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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (II)
PART II—Section 3—Sub-section (II)

(रक्षा मंत्रालय की छोड़कर) भारत सरकार के मंत्रालयों द्वारा जारी किए सविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications issued by the Ministries of the Government of India (other
than the Ministry of Defence)

गृह मंत्रालय

आदेश

नई दिल्ली, 31 मई, 1990

का. आ. 1295.—गोवा, दमण व दीव पुनर्गठन अधिनियम, 1987 (1987 का सं. 18) (आगे कथित अधिनियम
कहा जाएगा) की धारा 60 और 62 की उपधारा (2) और (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार
एतद्वारा निम्नलिखित आदेश बनाती है, नामतः—

लघुशीर्ष और प्रारम्भ

- (i) यह आदेश गोवा राज्य सेवा आवंटन आदेश 1990 कहलाएगा।
- (ii) यह आदेश 30 मई, 1987 को और उसी तारीख से लागू समझा जाएगा।

गोवा राज्य सेवा के लिए आवंटन

- (i) केन्द्रीय सरकार एतद्वारा उन व्यक्तियों को नियत करती है जो उक्त अधिनियम की धारा 60 की उपधारा (1) के
खण्ड (ख) के अधीन गोवा राज्य सेवा के लिए अस्थायी रूप से आवंटित किए गए हैं और जिनका नाम इस आदेश
के साथ मंलग्न सूची-I में शामिल नहीं किया गया है को गोवा राज्य सेवा में अंतिम रूप से आवंटित समझा
जाएगा।

- (ii) उक्त अधिनियम की धारा 60 की उपधारा (1) के खंड (ख) के अधीन वे व्यक्ति जो गोवा राज्य को अस्थायी रूप से आवंटित किए गए हैं परन्तु जिनका नाम इस आदेश के साथ संलग्न सूची-I में शामिल हैं को संघ राज्य क्षेत्र दमण व दीव सेवा के लिए अंतिम रूप से आवंटित समझा जाएगा।
- (iii) वे व्यक्ति जो भूतपूर्व संघ राज्य क्षेत्र गोवा, दमण व दीव की सेवा में नियुक्त किए गए थे और निर्धारित दिवस के तुरंत पूर्व जिला दमण व दीव में कार्यरत थे और जिनका नाम उनके अनुरोध और/अथवा गोवा राज्य सलाहकार समिति की सिफारिश पर विचार करके इस आदेश के साथ संलग्न सूची II में शामिल किया गया था को गोवा राज्य सेवा के लिए अंतिम रूप से आवंटित समझा जाएगा।
- (iv) सभी व्यक्ति जो इस आदेश के सब-पैरा (i) से (ii) में समाहित नहीं हैं (और उक्त अधिनियम की धारा 59 द्वारा समाहित नहीं किए गए हैं) को संघ राज्य क्षेत्र दमण व दीव सेवा के लिए अंतिम रूप से आवंटित समझा जाएगा।

[सं. 14012/2/87-जी. पी.]

प्रकाश चन्द्र, निदेशक

अनुसूची-I

नियत तिथि के पूर्व भूतपूर्व संघ राज्य क्षेत्र गोवा, दमण और दीव के गोवा जिले में नियोजित तथा गोवा, दमण और दीव (पुनर्गठन) अधिनियम, 1987 (1987 का 18) की धारा 62 के साथ पठित धारा, 60, उप धारा (2) के अंतर्गत संघ राज्य क्षेत्र दमण और दीव की सेवा में अंतिम रूप से आवंटित व्यक्ति।

परिवहन/कार्यालय

परिवहन

क्रम सं.	नाम	धारित पद	जन्म तिथि
1	2	3	4
1.	श्री एस. एम. दीक्षित	ए. डी. परिवहन	16-1-1935
2.	श्री एस. बी. दमानिया	एल. डी. सी.	1-2-1965
3.	श्री नानू भाई हलपति	चपरासी	10-12-1957
गोवा मेडिकल कालेज			
4.	श्री हेमन्त एल. हलपति	एल. डी. सी.	16-1-1962
5.	श्री जी. बी. हलपति	स्वीपर	18-1-1961
6.	श्री बी. बी. हलपति	स्वीपर	22-12-1959
7.	श्री डी. जी. हलपति	स्वीपर	9-4-1965
8.	श्री एम. के. हलपति	स्वीपर	5-3-1958
9.	श्री यू. आर. धोबी	स्वीपर	3-5-1964
10.	श्रीमती कल्पना बांदेकर	स्वीपर	25-5-1965
रजिस्ट्रार को-ओपरेटिव सोसाइटी			
11.	श्री एस. एच. वर्ली	एल. डी. सी.	6-7-1961
(अवर श्रेणी लिपिक)			
12.	श्री एस. एस. राल	अवर श्रेणी लिपिक.	5-8-1955
सिंचाई			
13.	श्री बी. गुप्ता	सहायक अभियंता	24-6- 952

1	2	3	4
14.	श्री एस. एच. कमालिया	कनिष्ठ अभियंता	14-10-1959
15.	श्री आर. बी. मोक्सिया	कनिष्ठ अभियंता	11-6-1962
16.	श्री एस. एल. राठौर	कनिष्ठ अभियंता	14-9-1963
17.	श्री एम. डी. गोहिल	कनिष्ठ अभियंता	29-8-1962
18.	श्री एम. आर. आर. नायर	हेड क्लर्क	10-6-1949
19.	श्री के. एन. आर	अवर श्रेणी लिपिक	9-4-1954
कृषि			
20.	श्री एस. पी. राय	उप-निदेशक कृषि	1-12-1945
21.	अनिल जी. पाटिल	उच्च श्रेणी लिपिक	13-12-1948
22.	श्री सरमेल नरोन्हा	वाचमैन	10-1-1960
विद्युत			
23.	श्री बी. सिंह	कनिष्ठ अभियंता	31-10-1956
24.	श्री राजू एम.	कनिष्ठ अभियंता	28-11-1957
25.	श्री बी. जे. जोसफ	कनिष्ठ अभियंता	11-11-1962
26.	श्री हनरिक फोनसेका	लाइन मैन	27-10-1948
27.	श्री शिवराम सी. मिटना	लाइन मैन	27-3-1953
28.	श्री आर. महादेव	सहायक लाइन मैन	27-8-1952
29.	श्री डी. एल. सोलंकी	सहायक लाइन मैन	8-1-1951
30.	श्री ए. सी. हलपति	चपरासी	15-9-1957
31.	श्री ए. के. डोडी	वाचमैन	15-1-1956
रिवर नेविगेशन			
32.	श्री वासुदेव जी. राऊत	नाविक	15-10-1954
33.	श्री रमन भाई जी. टाण्डेल	नाविक	23-11-1955
34.	श्री जी. बी. हलपति	स्टेशन लेड	21-11-1962
योजना व सांख्यिकी			
35.	श्री सोलंकी पी. मौजी	अन्वेषक	25-5-1953
36.	श्री एल. बी. कापड़िया	अन्वेषक	27-6-1954
37.	श्री एल. जे. आर. नरोन्हा	चपरासी	2-1-1964
शिक्षा			
38.	श्री के. ए. उपाध्याय	सहायक जिला शिक्षा निरीक्षक	5-12-1932
39.	श्री के. एस. शुक्ला	ब्राईंग टीचर (अध्यापक)	20-4-1944
40.	श्री प्रकाश रुदगी	सरकारी प्राइमरी अध्यापक	1-3-1945
41.	श्री सी. आर. कपाड़िया	अवर श्रेणी लिपिक	10-11-1957
42.	श्री डी. के. पाटिल	अवर श्रेणी लिपिक	10-5-1958
कलक्टरेट			
43.	श्री जी. एम. राठौर	प्रमुख विकास पदाधिकारी	7-7-1933

1	2	3	4
44.	श्री एल. डी. हलपति	उच्च श्रेणी लिपिक	9-2-1955
45.	श्री ओलन्डो डसूजा	उच्च श्रेणी लिपिक	11-3-1945
46.	श्री समत कुमार जमनादास	उच्च श्रेणी लिपिक	5-1-1930
47.	श्री बी. एन. गोस्वामी	अवर श्रेणी लिपिक	23-12-1950
		पशु पालन व पशु चिकित्सा सेवाएं	
48.	डा. डी. एस. शेवाले	पशु चिकित्सा अधिकारी	15-6-1946
49.	श्री जे. डी. दमले	डेयरी पर्यवेक्षक	4-12-1945
50.	श्री चौहान खिमजी जैसा	पशु चिकित्सा सहायक	11-3-1964
51.	श्री रूई एफ. दयास	पशु चिकित्सा सहायक	1-5-1963
		इन्डस्ट्रीज व खाने	
52.	श्री बी. वाई. कुन्डेकर	उच्च श्रेणी लिपिक	18-9-1952
53.	श्री आर. एल. हलपति	अवर श्रेणी लिपिक	11-5-1962
		गवर्नमेंट पालिटैकनिक	
54.	श्री जुलियन मेकाडो	भंडारी	16-2-1951
55.	श्री बी. एस. पंवार	ग्रेड II अधिकारी सिविल सेवा	7-11-1942
		लेखा	
56.	श्री आई. पटेल	लेखा लिपिक	2-3-1961
57.	श्री जी. घोषिया	अवर श्रेणी लिपिक	27-11-1968
		बिक्री कर	
58.	श्री एन. हलपति	अवर श्रेणी लिपिक	18-11-1960
59.	श्री एन. एच. अलबुकुर्क	अवर श्रेणी लिपिक	17-3-1960
60.	श्री बी. सी. टंडेल	अवर श्रेणी लिपिक	1-6-1958
61.	श्री बी. बी. वैश्य	सहायक बिक्री कर अधिकारी	25-12-1946
62.	श्री किशन मुलजी	अवर श्रेणी लिपिक	27-12-1958
63.	श्री रमनभाई ए. वर्ली	अवर श्रेणी लिपिक	22-5-1959
64.	श्री एल. एन. शाह	चपरासी	23-9-1954
65.	श्री आर. बी. कमालिया	चपरासी	15-11-1952
		वन	
66.	श्री डी. जी. घोषी	वन गार्ड	10-6-1962
67.	श्री एम. एस. वरूवकर	कनिष्ठ आंशुलिपिक	9-9-1955
		समाज कल्याण	
68.	श्री अगनेलो एफ. रोशा	चपरासी	28-9-1964
69.	श्री ए. बी. हलपति	चपरासी	25-7-1962
70.	श्री सी. घोडी (हलपति)	स्वीपर	25-6-1959

1	2	3	4
	कारागार		
71. श्री आस्कर मकोडो	कारागार गार्ड		1-9-1960
72. श्री मुरा वरेजन्गयु	प्रधान गार्ड		2-11-1932
73. श्री रामा मकवन्गयु	कारागार गार्ड		21-11-1958
	लोक कर्म		
74. श्री आई. एम. देसाई	कार्यकारी अभियंता		1-9-1939
75. श्री जै. आर. बदराथाला	ए. एस. डब्ल्यू		13-5-1955
76. श्री आर. पी. कपिल	ए. एस. डब्ल्यू		5-8-1948
77. श्री सतीश बी. बराव	कनिष्ठ अभियंता		7-11-1956
78. श्री महेन्द्र आई. सोलंकी	कनिष्ठ अभियंता		4-8-1962
79. श्री ग्रन्थोनी दयास	वाचमैन		8-6-1958
80. श्री हिम्मत लाल एम. सोलंकी	तकनीकी सहायक		21-12-1959
81. श्री डी. एस. प्रभाकर	तकनीकी सहायक		5-11-1959
82. श्री जीवानी मेहदोशआई	तकनीकी सहायक		1-3-1959
	न्यायालय	जिला और सेशन (सद)	
83. श्री ठाकुरदास पी. राना	ज. श्रे. लि.		15-6-48
84. श्री एस.एफ. वोहरा	नाजीर		14-6-1948
	स्वास्थ्य सेवाएं		
85. श्री बी.एम. राना	वरिष्ठ सर्जन		4-4-1945
86. श्री रमेश जीवनापुरकर	हेल्थ इन्स्पेक्टर		30-6-1957
87. श्री जीसस कारलस एन. जेड. नौरोनहा	निगरानी		26-8-1959
88. श्रीमती ग्रन्थे सिया मासकारेनहस	सर्वेंट		30-3-1943
89. श्रीमती इस्ता गोतसालवस	सर्वेंट		29-1-1946
90. डा. बी आर चंद	वरिष्ठ सर्जन		1-8-1954
91. डा. मनोज कांति मंडल	चिकित्सा अधिकारी		28-9-1955
92. श्रीमती आशा कांति मंडल	स्टाफ नर्स		12-7-1958
	पुलिस		
93. श्री जे. एम. सोलंकी	पुलिस कान्स्टेबल		15-10-1964
94. श्री बी.पी. सोलंकी	पुलिस कान्स्टेबल		20-11-1966
95. श्री एस.के. सोलंकी	पुलिस कान्स्टेबल		17-4-1966
96. श्री एम.एल. सोलंकी	पुलिस कान्स्टेबल		5-3-1968
97. श्री बी.डी. सोलंकी	पुलिस कान्स्टेबल		22-7-1965
98. श्री डी.पी. चुन्वाडी	पुलिस कान्स्टेबल		2-6-1967
99. श्री एम.के. सोलंकी	पुलिस कान्स्टेबल		7-5-1968
100. श्री पटेल डी कांजी	पुलिस कान्स्टेबल		1-7-1965
101. श्री एम.डी. भकवाना	पुलिस कान्स्टेबल		1-6-1966

1	2	3	4
102.	श्री एम. परीरा	पुलिस कांस्टेबल	1-11-1964
103.	श्री सी. रेसीडियस	पुलिस कांस्टेबल	7-11-1966
104.	श्री जे. एस. मोदासिया	पुलिस कांस्टेबल	25-6-1968
105.	श्री ए. एम. बारिया	पुलिस कांस्टेबल	3-12-1967
106.	श्री आर आर बामनिया	पुलिस कांस्टेबल	25-7-1967
107.	श्री एस जी सोलंकी	पुलिस कांस्टेबल	13-4-1965
108.	श्री एच. के. बारिया	पुलिस कांस्टेबल	20-11-1966
109.	श्री बी बी भीका	पुलिस कांस्टेबल	2-7-1967
110.	श्री के बी घाला	पुलिस कांस्टेबल	20-2-1967
111.	श्री जी जी खान उस्ताद	आर एस आई (बेतार आपरेटर)	10-7-1932
112.	श्री महेश कुमार एच गदवी	पुलिस कांस्टेबल	27-2-1965
113.	श्री एम जी सोलंकी	पी सी	5-2-1963
114.	श्री एन आर पटेल	पी सी	21-9-1962
115.	श्री आई जे मनसुरी	पी सी	10-9-1963
116.	श्री एन एल बरारी	पी सी	19-7-64
117.	श्री बी जे सोलंकी	पी सी	13-1-1964
118.	श्री एम एल जेथवा	पी सी	3-3-1961
119.	श्री बी एच सोलंकी	पी सी	7-12-1965
120.	श्री एन बी पटेल	पी सी	26-4-1964
121.	श्री पी डी जाधव	पी सी	8-6-65
122.	श्री जे बी यादव	पी सी	19-10-1963
123.	श्री बी डी बामानिया	पी सी	30-7-1966
124.	श्री एस डी पटेल	पी सी	12-11-1965
125.	श्री एन जे मकवाना	पी सी	17-4-64
126.	श्री बी बी मकवाना	पी सी	19-4-66
127.	श्री एस जी सोलंकी	पी सी	10-1-64
128.	श्री एस डी सोलंकी	पी सी	1-10-65
129.	श्री सी बी सोलंकी	पी सी	1-6-62
130.	श्री बी डी सोलंकी	पी सी	13-7-61
131.	श्री बी बी फुलवारिया	पी सी	25-4-64
132.	श्री आर जे पांडे	पी सी	21-9-63
133.	श्री श्री ए एन पारब (स्वर्गवासी)	पी सी	7-5-1959
134.	श्री एस बी धुरे (अब गोवा में है)	पी सी	17-2-60
135.	श्री डी आर जेथवा	पी सी	10-2-46
136.	श्री एस एम शाह	पी सी	13-10-59
137.	श्री बी जे सोलंकी	पी सी	5-5-31
138.	श्री फासिसको गुड्स	पी एस आई	23-9-35

1	2	3	4
139.	श्री एन एल वाजा	ए एस आई	20-9-47
140.	श्री पी जे माधव	पी सी	9-1-66
141.	श्री एस जे कपाड़िया	पी सी	20-1-65
142.	श्री एच आर चव्हाण	पी सी	13-5-51
143.	श्री बी जे जेथवा	ए एस आई	10-5-1951
144.	श्री एच भगती	पी सी	3-6-1960
145.	श्री के सोलंकी	पी सी	29-9-1965
146.	श्री बी नेगी	पी सी	7-12-65
147.	श्री जे ग्रहमद	पी सी	3-3-65
148.	श्री एच डी बारिया	पी सी	29-11-65
149.	श्री बी डी चौहान	पी सी	19-10-66
150.	श्री बी एच सरकार	पी सी	14-10-64
151.	श्री डी एल सोलंकी	पी सी	6-11-65
152.	श्री एन एस. सोलंकी	पी सी	6-3-64
153.	श्री के. के. सोलंकी	पी सी	1-6-64
154.	श्री एस गोविन्दा	पी सी	11-4-42
155.	श्री बी बी चौहान	पी सी	23-3-47
156.	श्री जे के भंडारी	पी सी	13-7-54
157.	श्री बी ए भजावेदी	पी सी	3-5-66
158.	श्री पी एल सोलंकी	पी सी	2-4-64
159.	श्री पी बी महावशी	पी सी	28-9-67
160.	श्री बी डी चव्हाण	पी सी	6-6-64
161.	श्री जे डी सोलंकी	पी सी	25-1-33
162.	श्री एम. एच. बामानिया	पी सी	9-10-66
163.	श्री बी बी सोलंकी	पी सी	1-6-65
164.	श्री पी आर लमानी	पी सी	1-6-59
165.	श्री बामानिया डी ओतमाहद	पी सी	30-9-66
166.	श्री जे पी सोलंकी	पी सी	5-9-65
167.	श्री एन एम बारिया	पी सी	22-3-65
168.	श्री के. पी. सोलंकी	पी सी	29-6-65
169.	श्री आर सोलंकी करसन	पी सी	29-6-66
170.	श्री बी एल जाधव	पी सी	18-4-61
171.	श्री टी जी नायक	पी सी	6-11-66
172.	श्री के. ए. देसाई	डिप्टी एसपी	9-7-38
173.	श्री आर. बी. नायक	पी सी	28-7-47
174.	श्री पी सी वी फनडिस	पी एस आई	2-1-35

1	2	3	4
175.	श्री एम आर एस बवास	पी सी	1-8-49 खेलकूद और युवा कार्य
176.	श्री वी के चौहान		सहायक भारीरिक्त शिक्षा अधिकारी 15-6-54 - गोवा इंजीनियरिंग कालेज वायरमैन 7-1-55 अग्निशमन सेवाएं
177.	श्री एम बी हल्पाती		(उ. न.)
178.	श्रीमती शोभा वेलगामकर	सफाई कर्मचारी	9-9-63
179.	श्री जोस सेम्युल पेरीरा	डी/आपरेटर	28-7-62
180.	श्री इनासीजो ए. डी. सिल्वा	डी/आपरेटर	उत्पाद शुल्क 8-6-1934
181.	श्री मैक्सीमियानो जी. फुरतादो	उत्पाद-शुल्क निरीक्षक	

अनुसूची-II

नियत विधि के पूर्व भूतपूर्व संघ राज्य क्षेत्र गोवा, दमन और दीव के दमन और दीव जिलों में नियोजित तथा गोवा दमन और दीव (पुनर्गठन) अधिनियम, 1987 (1987 का 18) की धारा 82 के साथ पठित धारा 60 की उपधारा (2) के अन्तर्गत गोवा राज्य की सेवा में अन्तिम रूप से आबंटित व्यक्ति।

विभाग/कार्यालय

सरकारी समितियों के रजिस्टर

क्रम सं.	नाम	धारित समितियों के पद	जन्म तिथि
1.	श्री ए. बी. डी. मोलिनकर	वरिष्ठ लेखा परीक्षक/निरीक्षक	28-3-1949
2.	श्री ए. पी. नांगम	वरिष्ठ निरीक्षक/लेखा परीक्षक	27-7-1939
3.	श्री डी. बाई. गवास	वरिष्ठ लेखा परीक्षक	1-10-1952
टाउन एवं कंट्री प्लानिंग विभाग			
4.	श्री ज. एस. माइक	योजना सहायक	16-5-1942
कृषि विभाग			
5.	श्री आई एस. मडुलकर	क्षेत्रीय कृषि अधिकारी	1-6-1949
6.	श्री वी. डी. बारबेकर	कृषि सहायक	4-2-1946
7.	श्री एम. बी. बिरादर	फील्ड सहायक	3-11-1938
8.	श्री सीताराम के. सेत	कनिष्ठ मैकेनिक	14-8-1947
9.	श्री मधु फतरफेकर	यू. डी. सी.	9-2-1951
10.	श्री सतीश सी. देव	सहायक कृषि अधिकारी, ग्रेड-II	26-1-1963
11.	श्री अनिरुद्ध जोशी	सहायक कृषि अधिकारी, ग्रेड-II	6-7-1960
शिक्षा विभाग			
12.	कुमारी जे. एन. भस्मा	प्राइमरी स्कूल शिक्षक	6-4-1964
13.	श्रीमती एस. ए. फतरफेकर	प्रधान शिक्षिका	15-6-1942
14.	श्री डियानो डी कोस्टा	प्रधान शिक्षक	28-8-1944
15.	श्री बीरेन्द्र विजारी	अध्यापक ग्रेड-I	22-11-1958
16.	श्रीमती एस. बी. सोनवाने	प्रधान अध्यापिका	25-11-1928
17.	कुमारी यारिया सेलस्टे अस्मीडा	प्राथमिक अध्यापक	26-4-1962

1	2	3	4
	कलेक्टर		
18.	श्री आर.वाई. हृदपड	दुलाठी	1-6-1963
		पशुपालन व पशु चिकित्सा सेवाएं	
19.	डा. बी.एम. मालनेकर	पशु चिकित्सा अधिकारी	18-3-1956
20.	श्री जोसेफ फर्नांडीज	पशु चिकित्सा विस्तार अधिकारी	26-8-1945
21.	डा. ह.बी. पाई	पशु चिकित्सा अधिकारी	25-1-1958
	नाप व तोल		
22.	श्री डी.पी. कोल्कर	नाप व तोल निरीक्षक	6-10-1957
23.	श्री के. एस. कोसाम्बी	निरीक्षक नाप व तोल	3-7-1959
	भूमि सर्वेक्षण		
24.	श्री बी. जे. राडीङ्ग्यूज	मुख्य सर्वेक्षक	15-1-1944
25.	श्री टी. एज. पेडनेकर	फील्ड सर्वेक्षक	10-5-1946
26.	श्री आर. डी. बन्देकर	मुख्य सर्वेक्षक	24-12-1949
27.	श्री ए. कोनाको	फील्ड सर्वेक्षक	22-9-1947
	लेखा		
28.	श्री बी.बी. पेडनेकर	सहायक लेखा अधिकारी	12-4-1953
	नागरिक आपूर्ति एवं पो.सी.		
29.	श्री पी. आर. नाईक	उप निरीक्षक	27-6-1943
30.	श्री सी.के. मयेकर	उप निरीक्षक	5-4-1946
	मत्स्य पालन		
31.	श्री आर. आर. भोसले	अधीक्षक, मत्स्य पालन	19-8-1938
32.	श्री जाओ राडिंग्यूज	मैकेनिक ग्रेड II	13-12-1953
33.	श्री मत्थवाड चोडकर	मैकेनिक ग्रेड II	5-2-1952
34.	श्री बरनाडो केबरल	ई. ओ. मत्स्य पालन	30-10-1945
	बिक्री कर		
35.	श्री एन. डी. मंडेकर	सहायक बिक्री कर अधिकारी	10-2-1945
36.	श्री एस. एम. भगत	निरीक्षक बिक्री कर	9-3-1947
37.	श्री एस. एस. लोटलीकर	सहायक बिक्री कर अधिकारी	11-5-1945
38.	श्री यू. के. कजोरी	उच्च श्रेणी लिपिक	2-3-1949
	वन संरक्षक		
39.	श्री ए. एस. जेतगा ओनकर	आर. एक. ओ.	26-8-1961
	खेल एवं सांस्कृतिक कार्य		
40.	श्री एच. बी. हुदार	शारीरिक शिक्षा अध्यापक	5-9-1960
41.	श्री ए. ए. गोडा	शारीरिक शिक्षा अध्यापक	22-7-1958
42.	श्री बी. एस. पाटिल	शारीरिक शिक्षा अध्यापक	13-8-1960

1	2	3	4
43.	श्री एस. पी. वंडाचे	शारीरिक शिक्षा अध्यापक समाज कल्याण	15-7-1957
44.	श्री सन्ताने कोयलो	उच्च श्रेणी लिपिक सार्वजनिक कार्य	28-7-1958
45.	श्रीमती संध्या चिपलुंकर	उच्च श्रेणी लिपिक श्रम एवं रोजगार	1-1-1952
46.	श्री एफ. एक्स डायस	श्रम निरीक्षक	20-1-1934
47.	श्री बी. के. खेडेकर	प्रधानाचार्य भाई.टी. भाई. आवकारी	25-8-1949
48.	श्री जी. वालवलीकर	आवकारी निरीक्षक	17-12-1938
49.	श्री एफ. ननज	सहायक आवकारी गाई	9-8-1931
50.	श्री बी. के. दुलियान	सहायक आवकारी गाई	1-5-1951
51.	श्री बी. पिंटो	आवकारी निरीक्षक	7-9-1938
52.	श्री फिलिप पी. कार्वलो	आवकारी निरीक्षक परिवहन	26-3-1933
53.	श्री एल. एस. कृष्णाकर	सहायक मोटर वहन निरीक्षक	3-2-1955
स्वास्थ्य सेवाएं			
54.	कु. गीता पेडनेकर	स्टाफ नर्स	11-7-1963
55.	कु. बी. तिरोदकर	स्टाफ नर्स	16-9-1960
56.	कु. सुलभा देसाई	ए. एन. एम.	18-7-1962
57.	कु. किशोरी बी. नाईक	ए. एन. एम.	18-9-1954
58.	श्री सी. जी. तुलसकर	बेसिक हेल्थ वर्कर	18-11-1942
59.	श्री एम. बाई. नाईक	बेसिक हेल्थ वर्कर	24-4-1955
60.	श्री पी. नोकर	बेसिक हेल्थ वर्कर	23-10-1951
61.	श्री एस. परसकर	बेसिक हेल्थ वर्कर	22-5-1958
62.	श्री एस. डी. बारकर	स्टेवाड	6-4-1946
63.	श्री एच. ए. भयर	मलेरिया निरीक्षक	1-6-1951
64.	श्री ए. ए. विचोल्कर	स्वास्थ्य सहायक	12-8-1963
65.	श्री ए. मार. वंदेकर	सुपीरियर प्रिन्सिपल वर्कर	25-12-1965
66.	श्रीमती रोस्डा फर्नांडीज	स्टाफ नर्स	9-2-1958
67.	श्री प्रकाश एन. कायत	सफाई निरीक्षक	16-9-1937
68.	डा. पी. एच. देसाई	सहायक निदेशक मलेरिया	15-9-1947
69.	डा. (श्रीमती) के. भारती विजयन	स्वास्थ्य अधिकारी	1-4-1942
70.	श्री भुलेश नाईक	सफाई निरीक्षक	14-10-1945
71.	श्री अविन्य रामनाथकर	सफाई निरीक्षक	18-2-1935

1	2	3	4
72.	श्री वेंकटेश प्राइलोकर	मलेरिया निरीक्षक	31-7-1953
73.	श्रीमती पायडेइ इस्टेवरियों	स्टाफ नर्स	8-10-1951
74.	श्रीमती यू.मरिका जिसूजा	स्वास्थ्य अधिकारी	21-4-1945
75.	डा. वंशीधर जी. तासकर	ग्रामीण चिकित्सा अधिकारी	8-2-1954
76.	श्री के. एस. गुंज्याल	वरिष्ठ ग्राम्य चिकित्सक	10-7-1954
77.	डा. सुनिल पी. अमोनकर	कनिष्ठ एनेस्थेसिस्ट	22-12-1955
78.	श्रीमती सुनिता मयूरकर	स्टाफ नर्स	11-2-1960
		पुलिस	
79.	श्री ए. डी. देसाई	ए. एस. आई.	31-1-1959
80.	श्री जे. एच. गुराव	ड्रेड कांस्टेबल	22-5-1947
81.	श्री एस. आर. केन्दार	—वही—	1-6-1948
82.	श्री डी. आर. कलागुटकर	—वही—	19-6-1942
83.	श्री एस. एन. सालंके	पुलिस कांस्टेबल	9-1-1960
84.	श्री सी. एल. पाटिल	—वही—	20-11-1962
85.	श्री ए. के. गवम्	—वही—	12-1-2-1960
86.	श्री बी. एम. नायक	—वही—	16-10-1963
87.	श्री के. एस. भोगले	—वही—	25-2-1966
88.	श्री पी. एन. नायक	—वही—	20-1-1965
89.	श्री एस. एस. नायक	—वही—	1-2-1964
90.	श्री आर. एस. नायक	—वही—	20-7-1960
91.	श्री के. एस. करपुकर	—वही—	30-10-1961
92.	श्री एस. याई. नाईक	—वही—	30-6-1959
93.	श्री ए. वी. नयेकर	—वही—	8-1-1961
94.	श्री एस. टी. नयेकर	—वही—	7-6-1961
95.	श्री एस. एल. तालेकर	—वही—	15-7-1962
96.	श्री आर. एम. नाईक	—वही—	16-9-1959
97.	श्री डी. डी. फर्नांडिज	ए. एस. आई (डब्ल्यू/पी)	3-4-1943
98.	श्री आर. एम. फारिया	एम/सर्वेंट	3-10-1962
99.	श्री वी. बी. गाँवकर	पुलिस कांस्टेबल	1-6-1959
100.	श्री ए. के. तेली	—वही—	1-8-1946
101.	श्री रमाकांत वाई. प्रियोकर	पुलिस सबइंस्पेक्टर	9-7-1957
102.	श्री एस. एम. फर्नांडिज	सहायक सबइंस्पेक्टर	22-1-1953
103.	श्री विठ्ठल जी. केरकर	—वही—	1-11-1959
104.	श्री एन. एस. शिरोडकर	पुलिस कांस्टेबल	12-9-1954
105.	श्री पी. एम. गाँवकर	—वही—	14-11-1956
106.	श्री वी. पी. नाईक	पुलिस सब इंसपेक्टर	14-4-1944

1	2	3	4
107.	श्री ए. एम. सैल	हेड कांस्टेबल	30-12-1948
108.	श्री यू. आर. काले	पुलिस कांस्टेबल	1-6-1965
	जिला एवं सत्र न्यायालय		
109.	श्री फ्रांसिस्को मोरोन्हा	सिविल जज, जूनियर डिवीजन	26-5-1953
110.	श्री राजाराम नाईक	बेलिफ	25-2-1951
	अग्नि शमन सेवाएं		
111.	श्री ए. बी. नाईक	लीडिंग फायर मैन	1-8-1951
112.	श्री जी. बी. जेतये	लीडिंग फायर मैन	29-12-1954
113.	श्री एस. आर. मंगेलकर (सेवा से 2-11-88 को त्याग पत्र दे दिया)	फायर मैन	2-10-1955
114.	श्री बी. एल. गाव	फायरमैन	22-8-1963
115.	श्री ए. जी. राणे	फायरमैन	20-3-1955
116.	श्री हनुमन्त टी. मापारी	डी/आईपरेटर	20-4-1962
117.	श्री रवीन्द्र टी. देवीवास	डी/आईपरेटर	29-2-1958
118.	श्री आर. एल. मोराजकर	सूचना सहायक	11-2-1953
	गोवा सिविल सेवा		
119.	श्री एम. एस. खान (2-8-1989 को सेवा से त्याग पत्र दे दिया)	ग्रेड 1 अधिकारी	29-11-1957

MINISTRY OF HOME AFFAIRS

ORDER

New Delhi, the 31st May, 1990

S.O. 1295.—In exercise of the powers conferred by sub-sections (2) and (3) of Section 60 and Section 62 of the Goa, Daman and Diu Reorganisation Act, 1987 (No. 18 of 1987) (hereinafter referred to as the said Act) the Central Government hereby makes the following order, namely :—

1. Short title and commencement.—(1) This order may be called the Allotment for Service in the State of Goa order, 1990.

(2) It shall be deemed to have come into effect on and from 30th of May, 1987.

2. Allotment for service in the State of Goa :

The Central Government hereby determines :

(i) the persons who stand provisionally allotted for service to the State of Goa under clause (b) of sub-section (1) of Section 60 of the said Act, and whose names are not included in Schedule I appen-

ded to this order, shall be deemed to have been finally allotted for service to the State of Goa ;

(ii) the persons, who stand provisionally allotted to the State of Goa under clause (b) of sub-section (1) of Section 60 of the said Act but whose names are included in Schedule I appended to this order, shall be deemed to have been finally allotted for service to the Union territory of Daman and Diu ;

(iii) the persons, who were employed in connection with the affairs of the erstwhile Union territory of Goa, Daman and Diu and were serving in the district of Daman and Diu immediately before the appointed day, and whose names, on consideration of their requests and/or the recommendations made by the Goa State Advisory Committee are included in Schedule II appended to this order, shall be deemed to have been finally allotted for service to the State of Goa ;

(iv) all persons not covered by sub-para (i) to (iii) of this order (and not covered by Section 59 of the said Act) shall be deemed as finally allotted for service to the Union territory of Daman and Diu.

[No. 14012/2/87-GP]

Prakash Chander, Director, (CPS)

SCHEDULE I

PERSONS EMPLOYED IN DISTRICT GOA OF THE ERSTWHILE UNION TERRITORY OF GO, DAMAN AND DIU IMMEDIATELY BEFORE THE APPOINTED DAY AND FINALLY ALLOTTED UNDER SECTION 60, SUB-SECTION (2) READ WITH SECTION 62 OF THE GOA, DAMAN AND DIU (REORGANISATION) ACT 1987 (NO. 18 OF 1987) FOR SERVICE TO THE UNION TERRITORY OF DAMAN AND DIU

DEPARTMENT/OFFICE
TRANSPORT

S.No.	Name	Post held	Date of Birth
1	2	3	4
1.	Shri S.M. Dixit	A.D. Transport	16-1-1935
2.	Shri S.V. Damania	L.D.C.	1-2-1965
3.	Shri Nanubhai Halpathi	Peon	10-12-1957

GOA MEDICAL COLLEGE

4.	Shri Hemant L. Halpati	L.D.C.	16-1-1962
5.	Shri G.B. Halpati	Sweeper	18-1-1961
6.	Shri B.B. Halpati	Sweeper	22-12-1959
7.	Shri D.G. Halpati	Sweeper	9-4-1965
8.	Shri M.K. Halpati	Sweeper	5-3-1958
9.	Shri U.R. Dhobi	Sweeper	3-5-1964
10.	Smt. Kalpana Bandekar	Sweeper	25-5-1965

REGISTRAR OF COOPERATIVE SOCIETIES

11.	Shri S.H. Varli	L.D.C.	6-7-1961
12.	Shri S.S. Raul	L.D.C.	5-8-1955

IRRIGATION

13.	Shri B. Gupta	Assistant Engineer	24-6-1952
14.	Shri S.H. Kamalia	Junior Engineer	14-10-1959
15.	Shri R.B. Medasia	Junior Engineer	11-6-1962
16.	Shri H.L. Rathod	Junior Engineer	14-9-1963
17.	Shri M.D. Gohil	Junior Engineer	29-8-1962
18.	Shri M.R.R. Nair	Head Clerk	10-6-1949
19.	Shri K.N. Thar	L.D.C.	9-4-1954

AGRICULTURE

20.	Shri S.P. Rai	Deputy Director Agriculture	1-12-1945
21.	Shri Anil G. Patil	U.D.C.	13-12-1948
22.	Shri Carmel Norenha	Watchman	10-1-1960

ELECTRICITY

23.	Shri V. Singh	Junior Engineer	31-10-1956
24.	Shri Raju M.	Junior Engineer	28-11-1957

1	2	3	4
25.	Shri V.J. Joseph	Junior Engineer	11-11-1962
26.	Henrique Fonseca	Lineman	27-10-1948
27.	Shri Shivram C. Mitna	Lineman	22-3-1953
28.	Shri R. Mahadev	Assistant Lineman	27-8-1952
29.	Shri D.B. Solanki	Assistant Lineman	8-1-1951
30.	Shri A.C. Halpati	Peon	15-9-1957
31.	Shri A.K. Dhodi	Watchman	15-1-1956
RIVER NAVIGATION			
32.	Shri Vasudev G. Rant	Sailor	15-10-1954
33.	Shri Ramanbhai G. Tandel	Sailor	23-11-1955
34.	Shri G.B. Halpati	Station Lad	21-11-1962
PLANNING & STATISTICS			
35.	Shri Solanki P. Maoji	Investigator	25-5-1953
36.	Shri L.B. Kapadia	Investigator	27-6-1954
37.	Shri L.J.R. Noronha	Peon	2-1-1964
EDUCATION			
38.	Shri K.A. Upadhyay	Asstt. Distt. Edu. Inspector	5-12-1932
39.	Shri K.S. Shukla	Drawing Teacher	20-14-1944
40.	Shri Prakash Rudgi	Govt. Primary Teacher	1-3-1945
41.	Shri C.R. Kapadia	L.D.C.	10-11-1957
42.	Shri D.K. Patil	L.D.C.	10-5-1958
COLLECTORATE			
43.	Shri G.M. Rathod	B.D.O.	7-7-1933
44.	Shri L.D. Halpati	U.D.C.	9-2-1955
45.	Shri Orlando D'Souza	U.D.C.	11-3-1945
46.	Shri Samatkumar Jannadas	U.D.C.	5-1-1930
47.	Shri V.N. Goswami	L.D.C.	23-12-1950
ANIMAL HUSBANDRY & VETENARY SERVICES			
48.	Dr. D.S. Shewale	Veterinary Officer	15-6-1946
49.	Shri J.D. Danile	Dairy Supervisor	4-12-1943
50.	Shri Chauhan Khimji Jessa	Vet. Assistant	11-3-1964
51.	Shri Rui F. Dias	Vet. Assistant	1-5-1963
INDUSTRIES AND MINES			
52.	Shri V.Y. Kundaikar	U.D.C.	18-9-1952
53.	Shri R.L. Halpati	L.D.C.	11-5-1962
GOVERNMENT POLYTECHNIC			
54.	Shri Julian Machado	Storekeeper	16-2-1951
55.	Shri B.S. Panwar	Grade II Officer Civil Service	7-11-1942

1	2	3	4
ACCOUNTS			
56.	Shri I. Patel	Accounts Clerk	2-3-1961
57.	Shri G. Dhodia	D.C.	27-11-1968
SALES TAX			
58.	Shri N. Halpati	L.D.C.	18-11-1960
59.	Shri N.H. Albuquerque	L.D.C.	19-3-1960
60.	Shri B.C. Tandel	L.D.C.	1-6-1958
61.	Shri B.B. Vaishya	Asstt. Sales Tax Officer	25-12-1946
62.	Shri Kishan Mulji	L.D.C.	27-12-1958
63.	Shri Ramanbhai A. Varli	L.D.C.	22-5-1959
64.	Shri L.N. Shah	Peon	23-9-1954
65.	Shri R.V. Kamalia	Peon	15-11-1952
FOREST			
66.	Shri D.G. Dhobi	Forest Guard	10-6-1962
67.	Shri M.S. Warudher	Jr. Steno	9-9-1955
SOCIAL WELFARE			
68.	Shri Agnelo F. Fosha	Peon	28-9-1964
69.	Shri A.B. Halpati	Peon	25-7-1962
70.	Shri C. Dhodi (Halpati)	Sweeper	23-6-1959
PRISONS			
71.	Shri Oscar Machado	Jail Guard	10-1-1960
72.	Shri Mura Varjangu	Head Guard	2-11-1932
73.	Shri Rama Makwangu	Jail Guard	21-11-1958
PUBLIC WORKS			
74.	Shri I.M. Dessai	Executive Engineer	1-9-1939
75.	Shri J.R. Dadrawala	A.S.W.	13-5-1955
76.	Shri R.P. Vadhel	A.S.W.	5-8-1948
77.	Shri Satish B. Barad	Jr. Engineer	7-11-1956
78.	Shri Mahendra I. Solanki	Jr. Engineer	4-8-1962
79.	Shri Anthony Dias	Watchman	8-6-1958
80.	Shri Himmatlal M. Solanki	Technical Assistant	21-12-1959
81.	D.S. Prabhakar	Technical Assistant	5-11-1959
82.	Jiwani Mehandiali	Technical Assistant	1-3-1959
DISTRICT & SESSIONS COURT			
83.	Shri Thakurdas P. Rana	U.D.C.	15-6-1948
84.	Shri S.F. Vohra	Nazir	14-6-1948

1	2	3	4
HEALTH SERVICES			
85.	Dr. B M. Rana	Senior Surgeon	4-4-1945
86.	Shri Ramesh Jivnapurcar	Health Inspector	30-6-1957
87.	Shri Jesus Carlos N.Z. Noronha	Surveillance Inspector	26-8-1959
88.	Smt. Andresia Mascarenhas	Servant	30-3-1943
89.	Smt. Elsa Gonsalves	Servant	29-1-1946
90.	Dr. B.R. Chand	Sr. Surgeon	1-8-1954
91.	Dr. Manoj Kanti Mandal	Medical Officer	28-9-1955
92.	Smt. Asha Kanti Mandal	Staff Nurse	12-7-1958
POLICE			
93.	Shri J.M. Solanki	Police Constable	15-10-1964
94.	Shri B.P. Solanki	Police Constable	20-11-1966
95.	Shri S.K. Solanki	Police Constable	17-4-1966
96.	Shri M.L. Solanki	Police Constable	5-3-1968
97.	Shri V.D. Solanki	Police Constable	22-7-1965
98.	Shri D.P. Chundadi	Police Constable	2-6-1967
99.	Shri M.K. Solanki	Police Constable	7-5-1968
100.	Shri Patel D. Kanji	Police Constable	1-7-1966
101.	Shri M.D. Makwana	Police Constable	1-6-1966
102.	Shri M. Pereira	Police Constable	1-11-1964
103.	Shri C. Remedious	Police Constable	7-11-1966
104.	Shri J.S. Modasia	Police Constable	25-6-1968
105.	Shri A.M. Baria	Police Constable	3-12-1967
106.	Shri R.R. Bamania	Police Constable	25-7-1967
107.	Shri S.G. Solanki	Police Constable	13-4-1965
108.	Shri H.K. Baria	Police Constable	20-11-1966
109.	Shri V.B. Bhika	Police Constable	2-7-1967
110.	Shri K.V. Vala	Police Constable	20-2-1967
111.	Shri G.G. Khan Ustad	R.S.I. (Wireless Operator)	10-7-1932
112.	Shri Maheshkumar H. Gadvi	Police Constable	27-2-1965
113.	Shri M.G. Solanki	P.C.	5-4-1963
114.	Shri N.R. Patel	P.C.	21-9-1962
115.	Shri I.J. Mansuri	P.C.	10-9-1963
116.	Shri N.L. Bariari	P.C.	19-7-1964
117.	Shri B.J. Solanki	P.C.	13-1-1964
118.	Shri M.L. Jethwa	P.C.	3-3-1961
119.	Shri B.H. Solanki	P.C.	7-12-1965
120.	Shri N.B. Patel	P.C.	26-4-1964

1	2	3	4
121.	Shri P.D. Jadhav	P.C.	8-6-1965
122.	Shri J.B. Yadhav	P.C.	19-10-1963
123.	Shri B.D. Bamania	P.C.	30-7-1966
124.	Shri S.D. Patel	P.C.	12-11-1965
125.	Shri N.J. Makwana	P.C.	17-4-1964
126.	Shri B.B. Makwana	P.C.	19-4-1966
127.	Shri S.G. Solanki	P.C.	10-1-1964
128.	Shri S.D. Solanki	P.C.	1-10-1965
129.	Shri C.B. Solanki	P.C.	1-6-1962
130.	Shri V.D. Solanki	P.C.	13-7-1961
131.	Shri B.B. Fulbaria	P.C.	25-4-1964
132.	Shri R.J. Pandey	P.C.	21-9-1963
133.	Shri A.N. Parab (Expired)	P.C.	7-5-1959
134.	Shri S.P. Dhure (He is in Goa)	P.C.	17-2-1960
135.	Shri D.R. Jethwa	P.C.	10-2-1946
136.	Shri S.M. Shah	P.C.	13-10-1959
137.	Shri B.J. Solanki	P.C.	5-5-1931
138.	Shri Fransisco Gudes	P.S.I.	23-9-1935
139.	Shri N.L. Vaza	A.S.I.	20-9-1947
140.	Shri P.J. Jadhav	P.C.	9-1-1966
141.	Shri S.J. Kapadia	P.C.	20-1-1965
142.	Shri H.R. Chawan	P.C.	13-5-1951
143.	Shri B.J. Jethwa	A.S.I.	10-5-1951
144.	Shri H. Bhakti	P.C.	3-6-1960
145.	Shri K. Solanki	P.C.	29-6-1965
146.	Shri B. Neggi	P.C.	7-12-1965
147.	J. Ahmad	P.C.	3-3-1965
148.	H.D. Baria	P.C.	29-11-1965
149.	Shri V D Chauhan	P.C.	19-10-1966
150.	Shri B.H. Sakar	P.C.	14-10-1964
151.	Shri D.L. Solanki	P.C.	6-11-1965
152.	Shri N.S. Solanki	P.C.	6-3-1964
153.	Shri K.K. Solanki	P.C.	1-6-1964
154.	Shri S. Govinda	P.C.	11-4-1942
155.	Shri B.B. Chauhan	P.C.	23-3-1947
156.	Shri J.K. Bhandare	P.C.	13-7-1954
157.	Shri B.A. Azavedo	P.C.	3-5-1966
158.	Shri P.L. Solanki	P.C.	2-4-1964
159.	Shri P.B. Mahyavansi	P.C.	28-9-1967

1	2	3	4
160.	Shri V.D. Chawan	P.C.	6-6-1964
161.	Shri J.D. Solanki	P.C.	25.1-1933
162.	Shri M.H. Bamania	P.C.	9-10-1966
163.	Shri B.B. Solanki	P.C.	1-6-1965
164.	Shri P.R. Lamani	P.C.	1-6-1959
165.	Shri Bamania D. Otamehand	P.C.	30-9-1966
166.	Shri J.P. Solanki	P.C.	5-9-1965
167.	Shri N.M. Bariya	P.C.	22-3-1965
168.	Shri K.P. Solanki	P.C.	29-6-1965
169.	Shri R. Solanki Karsan	P.C.	29-6-1966
170.	Shri B.L. Jadhav	P.C.	18-4-1961
171.	Shri T.G. Naik	P.C.	6-11-1966
172.	Shri K.A. Dessai	DY.S.P.	9-7-1938
173.	Shri R.B. Naik	P.C.	28-7-1947
174.	Shri P.C.V. Fernandes	P.S.I.	2-1-1935
175.	Shri M.R.S. Dias	P.C.	1-8-1949

SPORTS AND YOUTH AFFAIR

176.	Shri B.K. Chauhan	Asstt. Phy. Edu. Officer	15-6-1954
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GOA ENGINEERING COLLEGE

177.	Shri M.B. Halpati	Wireman	7-1-1955
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FIRE SERVICES

178.	Smt. Shoba Belgaumkar	Sweeper	(N.A.)
179.	Shri Jose Manuel Pereira	D/Operator	9-9-1963
180.	Shri Inacio A. De Silva	D/Operator	28-7-1962

EXCISE

181.	Shri Maximiano G. Furtado	Excise Inspector	8-6-1934
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SCHEDULE II

PERSONS EMPLOYED IN THE DISTRICT OF DAMAN AND DIU OF THE ERSTWHILE UNION TERRITORY OF GOA DAMAN AND DIU IMMEDIATELY BEFORE THE APPOINTED DAY AND FINALLY ALLOTTED UNDER SECTION 60, SUB-SECTION (2) READ WITH SECTION 62 OF THE GOA, DAMAN AND DIU (REORGANISATION) ACT, 1987 (NO. 18 OF 1987) FOR SERVICE TO THE STATE OF GOA

DEPARTMENT/OFFICE**REGISTRAR OF COOPERATIVE SOCIETIES**

Sl.No.	Name	Post held	Date of birth
1	2	3	4
1.	Shri A.V.C. Moliencar	Sr. Auditor/Inspector	28-3-1949
2.	Shri A.P. Pangam	Sr. Inspector/Auditor	27-7-1939

1	2	3	4
3.	Shri D.Y. Gawas	Sr. Auditor	1-10-1952
TOWN & COUNTRY PLANNING DEPARTMENT			
4.	Shri J.S. Naik	Planning Assistant	16-5-1942
AGRICULTURE DEPARTMENT			
5.	Shri I.S. Madulkar	Zonal Agricultural Officer	1-6-1949
6.	Shri V.D. Narvekar	Agri. Assistant	4-2-1946
7.	Shri M.B. Biradar	Field Assistant	3-11-1938
8.	Shri Sitaram K. Shet	Jr. Mechanic	14-8-1947
9.	Shri Madhu Fatarpekar	U.D.C.	9-2-1951
10.	Shri Satish C. Dev	Assistant Agri. Officer Grade-II	26-1-1963
11.	Shri Anirudhe Joshi	Assistant Agri. Officer Grade-II	6-7-1960
EDUCATION DEPARTMENT			
12.	Miss J.N. Valla	Primary School Teacher	6-4-1964
13.	Smt. S.A. Fatarpekar	Head Mistress	15-6-1942
14.	Shri Diago D' Costa	Head Master	28-8-1944
15.	Shri Birendra Tiwari	Teacher Grade-I	22-11-1958
16.	Smt. S.V. Sonawane	Head Mistress	25-11-1928
17.	Miss Maria Celeste Almeida	Primary Teacher	26-4-1962
COLLECTORATE			
18.	Shri R.Y. Hadpad	Talathi	1-6-1953
ANIMAL HUSBANDRY & VETERINARY SERVICES			
19.	Dr. V.M. Malkarnekar	Veterinary Officer	18-3-1956
20.	Shri Joseph Fernandes	Veterinary Extension Officer	26-8-1945
21.	Dr. A.V. Pai	Veterinary Officer	25-1-1958
WEIGHTS & MEASURES			
22.	Shri D.P. Kholkar	Inspector of Weights & Measures	1-10-1957
23.	Shri K.S. Kossambe	Inspector of Weights & Measures	3-7-1959
LAND SURVEY			
24.	Shri V.J. Rodrigues	Head Surveyor	15-1-1944
25.	Shri T.H. Pednekar	Field Surveyor	10-5-1946
26.	Shri R.D. Bandekar	Head Surveyor	24-12-1949
27.	Shri A. Colaco	Field Surveyor	22-9-1947
ACCOUNTS			
28.	Shri B.P. Pednekar	Assistant Accounts Officer	12-4-1953

1	2	3	4
CIVIL SUPPLIES & P.C.			
29.	Shri P.R. Naik	Sub-Inspector	27-6-1943
30.	Shri C.K. Mayekar	Sub-Inspector	5-4-1946
FISHERIES			
31.	Shri R.R. Bhonsle	Supdt. of Fisheries	19-8-1938
32.	Shri Joa Rodrigues	Mechanic Grade-II	13-12-1953
33.	Shri Satyawan Chodankar	Mechanic Grade-II	5-2-1952
34.	Shri Bernardo Cabral	E.O. Fisheries	30-10-1945
SALES TAX			
35.	Shri N.D. Mandrekar	Asstt. Sales Tax Officer	10-2-1945
36.	Shri S.M. Bhagat	Sales Tax Inspector	9-3-1947
37.	Shri S.S. Lotlikar	Asstt. Sales Tax Officer	11-5-1945
38.	Shri U.K. Kajari	U.D.C.	2-3-1949
CONSERVATOR OF FOREST			
39.	Shri A.S. Shetgaonkar	R.F.O.	26-8-1961
SPORTS & CULTURAL AFFAIRS			
40.	Shri H.V. Huddar	Phy. Education Teacher	5-9-1960
41.	Shri A.A. Gawda	Phy. Education Teacher	22-7-1958
42.	Shri B.M. Patil	Phy. Education Teacher	13-8-1960
43.	Shri S.P. Dandache	Phy. Education Teacher	15-7-1957
SOCIAL WELFARE			
44.	Shri Santane Coelho	U.D.C.	28-7-1958
PUBLIC WORKS			
45.	Smt. Sandhya Chiplunkar	U.D.C.	1-1-1952
LABOUR & EMPLOYMENT			
46.	Shri F.X. Dias	Labour Inspector	20-1-1934
47.	Shri V.K. Khedekar	Principal, I.T.I.	25-8-1949
EXCISE			
48.	Shri G. Valavlikar	Excise Inspector	17-12-1936
49.	Shri F. Nunes	Assistant Excise Guard	9-8-1931
50.	Shri V.K. Duliyan	Assistant Excise Guard	1-5-1951
51.	Shri D. Pinto	Excise Inspector	7-9-1938
52.	Shri Fellip P. Carvalho	Excise Inspector	26-3-1933
TRANSPORT			
53.	Shri L.S. Kundaikar	Asstt. Motor Vehicle Inspector	3-2-1955

1	2	3	4
HEALTH SERVICES			
54.	Kum. Gecta Podnekar	Staff Nurse	11-7-1963
55.	Kum. K.B. Tirodkar	Staff Nurse	16-9-1960
56.	Kum. Sulabha Dessai	A.N.M.	18-7-1962
57.	Kum. Kishori B. Naik	A.N.M.	18-9-1954
58.	Shri C.G. Tulaskar	Basic Health Worker	18-11-1942
59.	Shri M.Y. Naik	Basic Health Worker	24-4-1955
60.	Shri P. Gaunkar	Basic Health Worker	23-10-1951
61.	Shri S. Parsekar	Basic Health Worker	22-5-1958
62.	Shri S.D. Borkar	Steward	6-4-1946
63.	Shri H.A. Ayir	Malaria Inspector	1-6-1951
64.	Shri S.A. Bicholkar	Health Assistant	12-8-1963
65.	Shri A.T. Bandekar	Superior Field Worker	25-12-1965
66.	Smt. Rosda Fernandes	Staff Nurse	9-2-1958
67.	Shri Prakash N. Kamat	Sanitary Inspector	16-9-1937
68.	Dr. P.H. Dessai	Asstt. Director Malaria	15-9-1947
69.	Dr. (Mrs.) K. Bharathi Vijayan	Health Officer	1-4-1942
70.	Shri Bhulesh Naik	Sanitary Inspector	14-10-1945
71.	Shri Arvind Ramnathkar	Sanitary Inspector	18-2-1935
72.	Shri Venkatesh Priolkar	Malaria Inspector	31-7-1953
73.	Smt. Piedade Estebeiro	Staff Nurse	8-10-1951
74.	Shri Eumerica D'Souza	Health Officer	21-4-1943
75.	Dr. Bansidar G. Talkar	Rural Medical Officer	8-3-1954
76.	Shri K.S. Gunjyal	Sr. Surgeon	10-7-1954
77.	Dr. Sunil P. Amonkar	Jr. Anaesthetist	22-12-1955
78.	Smt. Sunita Masurkar	Staff Nurse	11-2-1960
POLICE			
79.	Shri A.D. Dessai	A.S.I.	31-1-1959
80.	Shri J.H. Guraw	Head Constable	22-5-1947
81.	Shri S.R. Kedar	Head Constable	1-6-1948
82.	Shri D.R. Kalangutkar	Head Constable	10-6-1942
83.	Shri S.M. Salunke	Police Constable	9-1-1960
84.	Shri C.L. Patil	Police Constable	20-11-1962
85.	Shri A.K. Gawas	Police Constable	12-12-1960
86.	Shri D.M. Naik	Police Constable	16-10-1963
87.	Shri K.S. Ghogle	Police Constable	25-2-1966
88.	Shri P.N. Naik	Police Constable	20-1-1965
89.	Shri S.S. Naik	Police Constable	1-3-1964

1	2	3	4
90.	Shri R.S. Naik	Police Constable	20-7-1960
91.	Shri K.S. Karapurkar	Police Constable	30-10-1961
92.	Shri S.Y. Naik	Police Constable	30-6-1959
93.	Shri A.V. Nagekar	Police Constable	8-1-1961
94.	Shri S.T. Nagekar	Police Constable	7-6-1961
95.	Shri N.L. Talekar	Police Constable	15-7-1962
96.	Shri R.N. Naik	Police Constable	16-9-1959
97.	Shri D.D. Fernandes	ASI (W/O)	3-4-1943
98.	Shri R.M. Faria	M/Servant	3-10-1962
99.	Shri V.B. Gaonkar	Police Constable	1-6-1959
100.	Shri A.K. Teli	Police Inspector	1-8-1946
101.	Shri Ramakant Y. Priolkar	Police Sub-Inspector	9-7-1957
102.	Shri S.M. Fernandes	Asstt. Sub-Inspector	22-1-1953
103.	Shri Vithal G. Kerkar	Asstt. Sub-Inspector	1-11-1959
104.	Shri N.S. Shirodkar	Police Constable	12-9-1954
105.	Shri V.S. Gaonkar	Police Constable	14-11-1956
106.	Shri B.P. Naik	Police Sub-Inspector	14-4-1944
107.	Shri A.M. Sail	Head Constable	30-12-1948
108.	Shri U.R. Kale	Police Constable	1-6-1965

DISTRICT & SESSIONS COURT

109.	Shri Fransisco Noronha	Civil Judge Junior Division	26-5-1953
110.	Shri Rajaram Naik	Bailiff	25-2-1951

FIRE SERVICES

111.	Shri A.V. Naik	Leading Fireman	1-8-1951
112.	Shri G.B. Shetye	Leading Fireman	29-12-1954
113.	Shri S.R. Mashelkar (Resigned from service w.e.f. 2-11-88)	Fireman	2-10-1955
114.	Shri B.L. Gad	Fireman	22-8-1963
115.	Shri A.G. Rane	Fireman	20-3-1955
116.	Shri Hanumant T. Mapari	D/Operator	20-4-1962
117.	Shri Ravindra T. Devidas	D/Operator	29-2-1958

TOURISM

118.	Shri R.L. Morajkar	Information Assistant	11-2-1953
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GOA CIVIL SERVICE

119.	Shri M.S. Khan (Resigned from service w.e.f. 2-8-1989)	Grade I Officer Goa Civil Service	29-11-1953
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वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 26 मार्च, 1992

(आयकर)

क्र.भा. 1246:—आयकर अधिनियम 1961 (1961 का 43) की धारा 80-जी की उपधारा (2) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "अरुलमिगु नादियामन मन्दिर, पत्तुकोट्टई, तंजावुर जिला, तमिलनाडु" को पूरे तमिलनाडु राज्य में विख्यात सार्वजनिक पूजा-स्थल के रूप में उक्त खण्ड के प्रयोजनार्थ अधिसूचित करती है।

[संख्या 9015 (फा.सं. 176/43/91-प्रा.क.नि. I)]

भारत चन्द्र, धवर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 26th March, 1992

(INCOME-TAX)

S.O. 1296.—In exercise of the powers conferred by clause (b) of sub-section (2) of Section 80-G of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "Arulmigu Nadiamman Temple, Pattukottai, Thanjavur District, Tamilnadu" to be a place of public worship of renown throughout the State of Tamilnadu for the purpose of the said Section.

[No. 9015/F. No. 176/43/91-IT.A.I]

SHARAT CHANDRA, Under Secy.

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 6 मई, 1992

क्र.भा. 1297:—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार भारतीय रिजर्व बैंक की सकारिश पर कृतवद्वारा, यह घोषणा करती है कि उक्त अधिनियम की धारा 11 का उप-धारा (1) के प्रावधान सम्पदा सहकारी बैंक लि., पुणे पर इस अधिनियम के भारत के राजपत्र में प्रकाशित होने की तारीख से 31 दिसम्बर, 1992 तक की अवधि के लिए लागू नहीं होंगे।

[एफ सं. 10 (2)/91-विकास]

तेजिन्दर सिंह लक्षर, संयुक्त निदेशक

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 6th May, 1992

S.O. 1297.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-section (1) of Section 11 of the

said Act shall not apply to Sampda Sahakari Bank Ltd. Pune for the period from the date of publication of this notification in the Gazette of India to 31st December, 1992.

[F. No. 10(2)/91-Dev]

TEJINDER SINGH LASCHAR, Jt. Director

नई दिल्ली, 6 मई, 1992

क्र.भा. 1298:—भारतीय औद्योगिक विकास बैंक अधिनियम, 1964 (1964 का 18) की धारा 9 की उपधारा (1) के खण्ड (क) के उप खण्ड (i) और (iii) खण्ड (ग) और खण्ड (गक) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, कम्पनी अधिनियम 1956 (1956 का 1) के अंतर्गत बनी और पंजीकृत कम्पनी, अण्डमान तथा निकोबार प्राइमैण्डस समन्वित विकास निगम लि. को खण्ड (क) के उक्त उपखण्ड (i) और (iii) खण्ड (ग) और खण्ड (गक) के प्रयोजनों के लिए एक वित्तीय संस्था अधिसूचित करती है।

[एफ सं. 10 (22)/मार्च. एक-1/91]

बी.पी. भारद्वाज, धवर सचिव

New Delhi, the 6th May, 1992

S.O. 1298.—In exercise of the powers conferred by sub-clauses (i) and (ii) of clause (a) clause (e) and clause (ca) of sub-section (1) of Section 9 of the Industrial Development Bank of India Act, 1964 (18 of 1964), the Central Government notifies the Andaman and Nicobar Islands Integrated Development Corporation Limited, a company formed and registered under the Companies Act, 1956 (1 of 1956), as a financial institution for the purpose of aforesaid sub-clause (i) and (iii) of clause (a), clause (c) and clause (ca).

[F. No. 10(22)/IF. 1/91]

V. P. BHARDWAJ, Under Secy.

नई दिल्ली, 9 मई, 1992

क्र. भा. 1299:—सरकार ने निर्णय लिया है कि बैंकिंग प्रभाग, आर्थिक कार्य विभाग, वित्त मंत्रालय के वर्तमान धवर सचिव, श्री के. जे. रेड्डी, 9 मई, 1992 के प्रगला आदेश जारी होने तक अपने वर्तमान कार्यभार के प्रतिरिक्त, समवर्ती रूप से राष्ट्रीय आवास बैंक के अध्यक्ष एवं प्रबंध निदेशक के पद का कार्यभार भी सम्भालेंगे।

[सं. 7/11/92-बी.ओ.-1]

के.जी. गोयल, निदेशक

ORDER

New Delhi, the 9th May, 1992

S.O. 1299.—Government have decided that Shri K. J. Reddy, presently Additional Secretary, Banking Division, Department of Economic Affairs, Ministry of Finance, will concurrently hold additional charge of the post of Chairman and Managing Director, National Housing Bank in addition to his own duties, with effect from the 9th May, 1992 and until further orders.

[F. No. 7/11/92-BO. I]

K. G. GOEL, Director

वाणिज्य मंत्रालय

(मुख्य नियंत्रक आयात-निर्यात का कार्यालय)

नई दिल्ली, 4 मई, 1992

का.प्र. 1300:—मैसर्स किलोस्कर ऑयल इंजिन्स लि., सक्षमणराव किलोस्कर रोड पुणे-411003 को सामान्य मुद्रा क्षेत्र के अन्तर्गत संलग्न सूची के अनुसार भ्राम्य स्टील राउन्ड/बारों के आयात के लिए 34,21,000/- (चौतीस लाख इक्कीस हजार रुपए मात्र) का आयात लाइसेंस संख्या पी/डी/2020455 दिनांक 14-12-90 मंजूर किया गया था।

कर्म ने ऊपर उल्लिखित लाइसेंस की सीमाशुल्क प्रयोजन प्रति की अनुविधि को जारी करने के लिए इस आधार पर आश्रय लिया है कि लाइसेंस की सीमाशुल्क प्रयोजन प्रति खो/गुम हो गई है। भागे यह भी बताया गया है कि लाइसेंस की सीमाशुल्क प्रयोजन प्रति सीमाशुल्क कार्यालय बम्बई के साथ पंजीकृत थी और इस प्रकार सीमाशुल्क प्रयोजन प्रति का मुख्य आंशिक रूप से उपयोग में लाया गया था।

2. अपने तर्क के समर्थन में लाइसेंसधारी ने तोटरी पब्लिक, पुणे के समक्ष विधिबद्ध रूप से शपथ लेकर स्टाम्प पेपर पर हल्कनामा दायर किया है। मैं तदनुसार सन्तुष्ट हूँ कि कर्म द्वारा आयात लाइसेंस सं. पी/डी/2020455 दिनांक 14-12-90 मूल सीमाशुल्क नियंत्रण प्रति खो/गुम हो गई है। यथासंशोधित आयात (नियंत्रण) आदेश 1955 दिनांक 7-12-55 के उप-खण्ड 9 (गग) के अन्तर्गत प्रस्तुत अधिकारों का प्रयोग करते हुए मैसर्स किलोस्कर आयात इंजिन्स लि. पुणे को जारी उपर्युक्त आयात लाइसेंस सं. पी/डी/2020455 दिनांक 14-12-90 की मूल सीमाशुल्क प्रति को एतद्वारा रद्द किया जाता है।

3. उक्त लाइसेंस की सीमाशुल्क नियंत्रण प्रति की अनुविधि पार्टी को प्रलग से जारी की जा रही है।

[फाइल सं. स्पल/एस/4/107/डीजीटीडी/एम-91/एस एल एस/74]

मया डे केम, उप मुख्य नियंत्रक आयात-निर्यात

कृते मुख्य नियंत्रक आयात-निर्यात

MINISTRY OF COMMERCE

(Office of the Chief Controller of Imports and Exports)

New Delhi, the 4th May, 1992

S.O. 1300.—M/s. Kirloskar Oil Engines Ltd. Laxmanrao Kirloskar Road Pune-411003, were granted an import licence No. P/D/2020455 dated 14-12-90 for Rs. 34,21,000 (Rupees Thirty four lakhs and twenty one thousand only) for import of Alloy Steel Round/Bars as per list attached under G.C.A.

The firm has applied for issue of Duplicate of Customs purposes copy of above mentioned licence on the ground that the original customs purpose copy of the licence has been lost or misplaced. It has further been stated that the Customs Purpose copy of the licence was registered with Customs House Bombay, and as such the value of Custom purpose copy was utilised partially.

2. In support of their contention the licence has filed an affidavit on stamped paper duly sworn in before a Notary Public, Pune. I am accordingly satisfied that the original Custom Control copy of the import licence No. P/D/2020455 dated 14-12-90 has been lost or misplaced by the firm in exercise of the powers conferred under sub-clause 9(cc) of the Import (Control) Order, 1955 dated 7-12-1955 as amended the said original custom copy of import licence No. P/D/2020455 dated 14-12-90 issued to M/s. Kirloskar Oil Engines Ltd. Pune is hereby cancelled.

3. A duplicate Custom Control Copy of the said licence is being issued to party separately.

[F. No. Suppl/S-4/107/DGTD/AM-91/SLS/74]
MAYA D-KEM, Dy. Chief Controller of
Imports and Exports
for Chief Controller Imports and Exports

संस्कृति विभाग

(भारतीय पुरातत्व सर्वेक्षण)

नई दिल्ली, 12 मई, 1992

(पुरातत्व)

का.प्र. 1301:—केन्द्रीय सरकार ने, प्राचीन संस्मारक तथा पुरातत्वीय स्थल और अवशेष अधिनियम, 1958 (1958 का 24) की धारा 4 की उपधारा (1) की अपेक्षाानुसार भारत सरकार के संस्कृति विभाग (भारतीय पुरातत्व सर्वेक्षण) की अधिसूचना सं. का.प्र. 1551 तारीख 29 मई, 1991 द्वारा, जो भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii) तारीख 8 जून, 1991 में प्रकाशित की गई थी, उक्त अधिसूचना की अनुसूची में विनिर्दिष्ट संस्मारक को राष्ट्रीय महत्व का घोषित करने के अपने आशय की दो माम की सूचना दी थी और उस अधिसूचना की एक प्रति उक्त संस्मारक के समीप महज दृश्य स्थान पर लगा दी गई थी;

और उक्त राजपत्र 3 जुलाई, 1991 को जनता को उपलब्ध करा दिया गया था; और केन्द्रीय सरकार को जनता से कोई आपत्तियाँ प्राप्त नहीं हुई थीं।

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 4 की उपधारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इससे उपाखण्ड अनुसूची में विनिर्दिष्ट प्राचीन संस्मारक को राष्ट्रीय महत्व का घोषित करती है:

अनुसूची

राज्य	जिला	परिचय	संस्मारक/स्थल का नाम	संरक्षण के लिए शामिल क्षेत्र किए जाने वाले राज- स्व प्लॉट संख्या	सीमाएं
1	2	3	4	5	6
उत्तर प्रदेश	आगरा	आगरा	सिविल न्यायालय के अहमते के भीतर बुर्जी (इन वन कटोरा)	खसरा सं. 530 का 1 बिस्वा भाग जो नीचे उद्धृत 6 बिस्वानी स्थल रेखांक में दर्शित किया गया है।	उत्तर . खसरा सं. 530 का शेष भाग 1 पूर्व . खसरा सं. 530 का शेष भाग। दक्षिण . खसरा सं. 636- सड़क। पश्चिम . खसरा सं. 530 का शेष भाग।

स्वामित्व

टिप्प

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सरकार

(इलाहाबाद उच्च न्यायालय के मुख्य न्यायाधीश)।

आगरा के सिविल कोर्ट कमपाउंड में बूजी का

DEPARTMENT OF CULTURE
(Archaeological Survey of India)
New Delhi, the 12th May, 1992
(ARCHAEOLOGY)

S.O. 1301.—Whereas by a notification of the Government of India in the Department of Culture (Archaeological Survey of India) vide S.O. 1551 dated the 29th May, 1991 published in the Gazette of India, Part-II, Section 3, sub-section (ii), dated the 8th June, 1991, the Central Government gave two months notice of its intention to declare the monument specified in the Schedule to the said notification to be of national importance and a copy of the notification was affixed in a conspicuous place near the said monu-

ment as required by sub-section (1) of Section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958) ;

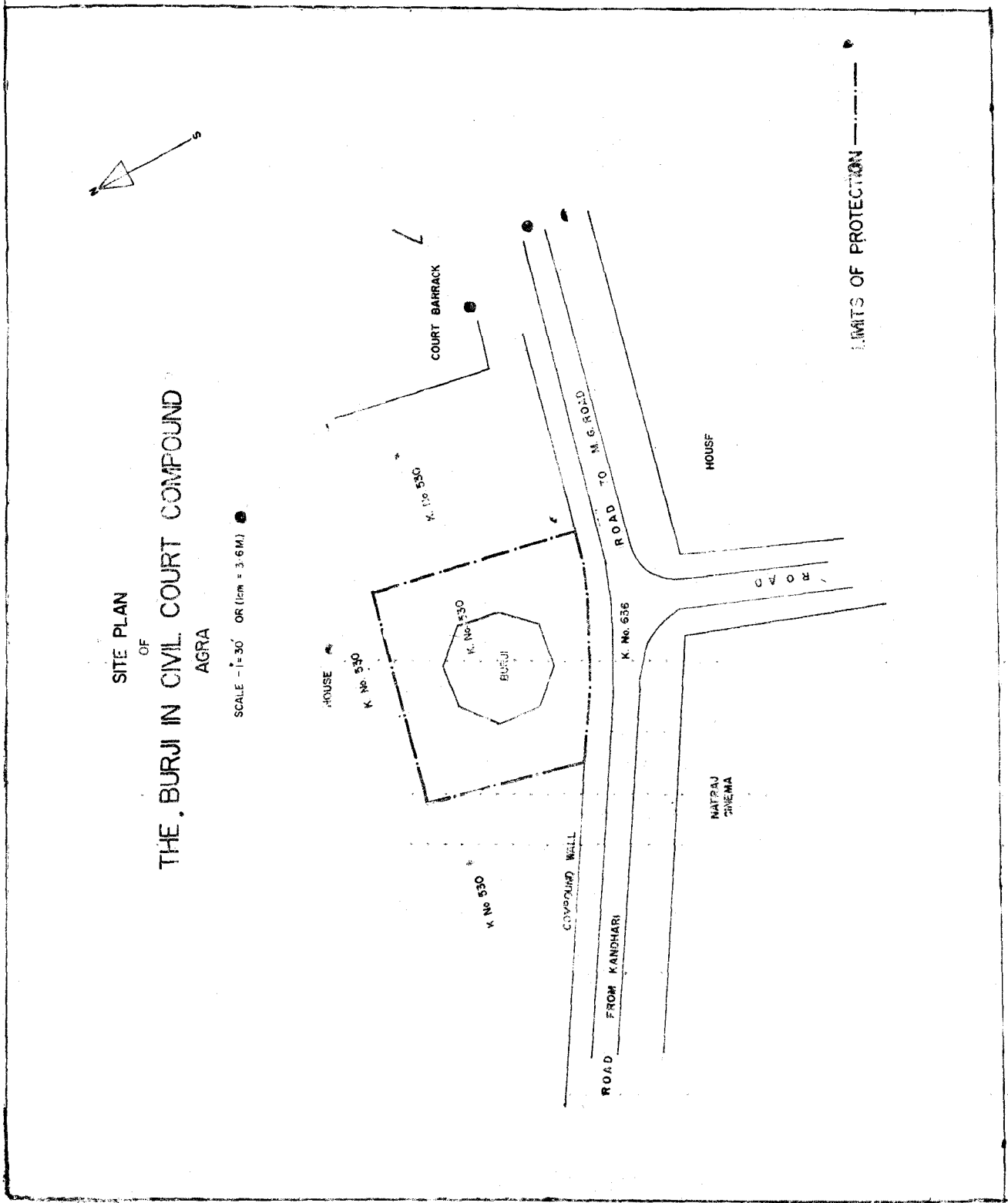
And whereas the said Gazette was made available to the public on the 3rd July, 1991 ;

And whereas no objections from the public has been received by the Central Government ;

Now, therefore in exercise of the powers conferred by sub-section 3 of Section 4 of the said Act, the Central Government hereby declares the ancient monument specified in the Schedule annexed hereto to be of national importance.

SCHEDULE

State	District	Locality	Name of Monument	Revenue plot numbers included under protection	Area	Boundaries	Ownership	Remark
1	2	3	4	5	6	7	8	9
U.P.	Agra	Agra	Burji in Civil Court compound (Jhan Jhan Katora)	Part of Khasra No. 530 as shown in the site plan reproduced below.	1 Biswas, 6 Biswani	North :— Remaining Part of K.N. 530 East :— Remaining Part of K. No. 530 South : Road in K. No. 636 West :— Remaining part of K. No. 530.	Government (Chief Justice of High Court, Allahabad)	



[No. 2/38/82-M]
M.C. JOSHI, Director General

दिल्ली विकास प्राधिकरण

सार्वजनिक सूचना

नई दिल्ली, 13 मई, 1992

का.आ. 1302:—केन्द्रीय सरकार, का दिल्ली की मुख्य योजना क्षेत्रीय विकास योजना में निम्नलिखित संशोधन करने का प्रस्ताव है, जिसे जनता की जानकारी के लिए एतद्वारा प्रकाशित किया जाता है। प्रस्तावित संशोधन के संबंध में यदि किसी व्यक्ति को कोई आपत्ति हो कोई सुझाव देना हो तो वह अपनी आपत्ति सुझाव लिखित रूप में इस सूचना के जारी होने की तारीख से 30 दिनों की अवधि के अंदर सचिव, दिल्ली विकास प्राधिकरण, विकास सदन, "बी" ब्लॉक, आई.एन.ए., नई दिल्ली को भेज सकता है। आपत्ति करने/सुझाव देने वाला व्यक्ति अपना नाम और पता भी दे।

संशोधन:-

"जोन एफ-3 (पिजरापोल क्षेत्र) में पड़ने वाले और उत्तर तथा दक्षिण में गवर्नमेंट पूल हाउसिंग (एन्ड्रयूजगंज, सादिक नगर और आयुर्विज्ञान नगर), पूर्व में 45 मीटर चौड़े मार्शल जे.बी. टोटो मार्ग (200 फुट मार्गाधिकार), और पश्चिम में 30 मीटर चौड़े (100 मार्गाधिकार) खेल गांव मार्ग से घिरे तथा दिल्ली मुख्य योजना-2001 में सार्वजनिक तथा अर्ध-सार्वजनिक उपयोग (प्रस्तावित कन्वेंशन सैटन) के लिये निर्धारित 28/75 हेक्टर (71 एकड़) क्षेत्र के भूमि-उपयोग को अधिसूचना सं. के-13012/7/72-यू.डी.आई., दिनांक 28-12-73 द्वारा अधिसूचित जोन डी-17, 18, 19, 20 और एफ-2 तथा 3 के संयुक्त क्षेत्रीय विकास नक्शों में निर्धारित भूमि उपयोग अर्थात् "आवासीय" (आवास)—14.17 हेक्टेयर, व्यावसायिक (समाज सदन) 6.88 हेक्टेयर और जिला पार्क/जोनल ग्रीन—7.70 हेक्टेयर" के लिए रखने का प्रस्ताव है।

2. प्रस्तावित संशोधन को दर्शाने वाला नक्शा निरीक्षण, के लिए उक्त अवधि के अंदर सभी कार्य दिवसों को उप-निदेशक, मुख्य योजना अनुभाग, विकास मीनार, छठी मंजिल, आई.पी. एस्टेट, नई दिल्ली के कार्यालय में उपलब्ध होगा।

[सं. एक 3 (33)/89 एम.पी.]
रणबीर सिंह, सचिव

DELHI DEVELOPMENT AUTHORITY

PUBLIC NOTICE

New Delhi, the 13th May, 1992

S.O. 1302.—The following modification which the Central Government proposes to make to the Master Plan/Zonal Development Plan for Delhi, is hereby published for public information. Any person having any objection or suggestion with respect to the proposed modification may send the objection/suggestion in writing to the Secretary, Delhi Development Authority, Vikas Sadan, I.N.A., 'B' Block, New Delhi within a period of thirty days from the date of issue of this notice. The person making the objection or suggestion should also give his name and address.

MODIFICATION :

"The land use of an area measuring 28.75 ha. (71 acres), falling in zone F-3 (Pinjrapole Area), bounded by Government pool housing (Andrews Ganj), Sadiq Nagar and Ayurvigyan Nagar, in the North and South; Marshal J. B. Tito Marg 45 mtrs. wide (200 ft. r/w) in the East and Khel Gaon road 30 mtrs. wide (100' r/w) in the West and earmarked in MPD-2001 for 'public and semi-public use' (proposed convention centre), is proposed to be restored to land uses earmarked in the composite Zonal Development Plans of Zones D-17, 18, 19, 20 and F-2 and 3, notified vide notification No. K-13012/7/71-UDI dated 28-12-73 i.e. for "residential" (housing)—14.17 ha., commercial

(community centre)—6.88 ha. and district parks/zonal green—7.70 ha."

2. The plan indicating the proposed modification will be available for inspection at the office of the Deputy Director Master Plan Section, Vikas Minar, 6th Floor, I.P. Estate, New Delhi on all working days within the period referred to above.

[No. F. 3(33)/89-MP]
RANBIR SINGH, Secy.

श्रम मंत्रालय

नई दिल्ली, 27 अप्रैल, 1992

का.आ. 1303—औद्योगिक विवाद अधिनियम, 1957 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, आयल एण्ड नेचुरल गैस कमीशन देहरादून के प्रबन्धन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-4-92 को प्राप्त हुआ था।

[संख्या एल-30012/4/89-आई.आर. (विविध)]

बी.एम. डेविड, डेस्क अधिकारी

MINISTRY OF LABOUR
New Delhi, the 27th April, 1992

S.O. 1303.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of Oil and Natural Gas Commission Dehradun and their workmen, which was received by the Central Government on 24-4-1992.

[No. L-30012/4/89-IR (Misc.)]
B. M. DAVID, Desk Officer

ANNEXURE

BEFORE SRI ARJAN DEV, PRESIDING OFFICER,
CENTRAL GOVERNMENT, INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, PANDU NAGAR, KANPUR
Industrial Dispute No. 151 of 1989

In the matter of dispute :

BETWEEN

Sri Lalit Mohan S/o Sri Shyama Prasad R/o Rajiv
Nagar Dharmapur Danda P.O. Nehrugram Distt.
Dehradun.

AND

The Chairman Oil and Natural Gas Commission Tel
Bhawan Dehradun.

AWARD

1. The Central Government, Ministry of Labour vide its Notification No. L-30012/4/89-IR (Misc.) dated 31-5-89, has referred the following dispute for adjudication to this Tribunal :-

Kya Tel avam Prakratik Gas Aayog Dehradun ke prabandhan dwara Sri Lalit Mohan putra Sri Sharda Prasad Mazdoor ko dinnank 7-3-89 se sewa se nish-kashit karna nyayochit hai ? Yadi Nahi to Karam-chari kis anutosh ka adhikari hai ?

2. The case of the workman is that he had worked with the management of the Oil and Natural Gas Commission (hereinafter referred to as management) from 9-11-83 to 7-3-88 whereafter his services were terminated illegally from the afternoon of the same day without compliance of Section 25F of I.D. Act. He alleges that he had worked for more than 240 days in each year during the said period and that during the period of 12 months proceeding the date of terminations of his services he had worked for 370 days as per details given by him in para 5 of the claim statement.

He has, therefore, prayed for his reinstatement with full back wages.

3. The case is contested by the Management. The Management plead that for want of availability of records of the relevant period it is not possible for the Management to state as to for how many days he had worked with the Management. According to the management the workman was offered the job through contractor working in the management at several times but every-time he refused to accept the offer. He even refused to accept all the terminal benefit/payment due to him for the services rendered by him despite offer. The management have then raised a number of legal pleas. The management plead that since the legality of the action of the management has not been referred for adjudication, this question cannot be adjudicated upon even incidentally. Further the workman was not discharged by the management of ONGC Dehradun w.e.f. 7-3-88. Since the workman had worked even on 7-3-88 and had been paid wages for 7-3-88 the reference order is bad in law. Further since he had been employed on day to day requirement basis his case fall covered by clause (bb) of Section 2(oo) I. D. Act. Lastly the management plead that the workman was never subjected to Section 6(5) of the Recruitment and Promotion Regulation 1980 of O.N.G.C. In the circumstances he is not entitled to the relief sought by him.

4. In his rejoinder, it has been alleged by the workman that he had worked from 9-11-83 to 31-10-86 initially. Thereafter his services were terminated. He raised the matter before ALC (C) Dehradun where a settlement was arrived at between him and the management on 23-10-87 and by virtue of the terms of the settlement the management took him back in service on 2-3-87. From 2-3-87 to 7-3-88, he had worked continuously. Accordingly to him there is no administrative policy of giving appointment through contractor working in ONGC.

5. In support of their respective cases both sides have led oral as well as documentary evidence. Whereas the workman has examined himself the management have examined Sri J. M. Vohra, Dy. Director (Personnel and Administration) I may state here that on the application of the workman record of ALC (C) Dehradun on the FCC of whom the present reference has been made by the Ministry of Labour, Government of India, New Delhi, was also summoned.

6. I have gone carefully through the evidence on record and find that workman's evidence is far more reliable and convincing and worthy of credence than that of the management. About the evidence of Sri Vohra, the less said the better. It is really a great pity that such a high ranking and responsible officer of the ONGC who has even signed the written statement on behalf of the management would make irresponsible statements deliberately during his cross examination with a view to suppress the truth. It is a fit case where the management of the ONGC should put to task such an officer.

7. In para 15 of his rejoinder, the workman has alleged that he got employment in ONGC on 9-11-83 and after he had worked till 31-10-86, his services were terminated. He raised the matter before ALC (C) Dehradun. By virtue of the settlement arrived at between him and the management on 23-2-87 he was taken back in service on 2-3-87 and from that day onwards till 7-3-88, he had worked continuously. The details of working days given by him in para 5 of the claim statement also show that he had worked continuously from 2-3-87 to 7-3-88. The workman has corroborated his case by means of his affidavit and documents such as the minutes of the proceedings dated 23-2-87 before ALC (C) Dehradun and proceedings dated 2-2-89 of ALC (C) Dehradun, when the matter was raised by him before ALC (C).

8. Ext. W-2 is the copy of proceeding dated 23-10-87 of ALC (C) Dehradun. The document has been admitted by the surprised representative for the management. From the proceedings it become evident that after detailed discussion, the management agreed to engage the workman as contingent labour w.e.f. 2-3-87. From the proceedings dated 2-2-89, of ALC (C) Dehradun it appears that on the said date the

management witness Sri J. E. Vohra represented the management before ALC (C) Dehradun on behalf of the management he made a statement regarding the number of working days put in by the workman between 9-3-87 and 7-3-88. The figure full tally with the details of working given by the workman in para 5 of the claim statement. The proceedings bears the signature both of Sri J. N. Vohra and the management besides the initials of ALC (C) Dehradun. The Tribunal can take judicial notice of the proceedings held before the ALC (C) Dehradun despite the fact that Sri J. N. Vohra was not confronted with his signatures appearing on the proceedings of this date. However, it will not be out of place to mention that the signatures appearing on his statement before this statement tally with his signature appearing on the order sheet dated 2-2-89 of the case before ALC (C) Dehradun.

9. In his cross examination, the management witness has deposed that without looking into the records he cannot say whether or not the services of the workman were terminated on agreement arrived at between the parties the workman of ONGC since 9-11-88. He also expressed his ignorance by saying that without looking the record he cannot tell whether or not the services of the workman were terminated by the management on 31-10-86, and whether or not such termination of services the case before ALC (C) was sought between the parties thereafter. He was then confronted with the proceedings dated 23-10-87 of the case pending before ALC (C) Dehradun between the parties. After reading the contents of the proceedings he replied that on the basis of argument arrived at between the parties the workman was taken back in service and he was engaged as and when required. As stated by me above the document, copy of proceedings dated 23-2-87 has been admitted by the management. From the proceedings dated 23-2-97, it is evident that it was he who represented the management in the case before ALC (C) Dehradun. Despite the fact that the management had agreed to engage the workman as contingent labour w.e.f. 2-3-87. Sri Vohra has the temerity to say that he cannot say whether or not the workman was reengaged on 2-3-87.

10. From the evidence such as the evidence of the workman and the proceedings dated 2-2-89 of the case before ALC (C) Dehradun it stands fully proved that from 2-3-87 onwards till 7-3-88, the workman had worked continuously. The question is whether before terminating his services the management had complied with the provisions of Section 25-F and 25-N of the I. D. Act or not. There is no evidence on this point from the side of the management. In the written statement all that has been said is that the terminal benefits/payments were offered to the workman who refused to accept the same. The question is that such terminal benefits etc. were offered to the workman. In his cross examination, Sri Vohra had deposed that he is not in a position to tell when and how much amount as regards due was offered to the workman by the management. Hence, it is held that the services of the workman were terminated in violation of the provisions of Sections 25-F and 25-N of I.D. Act.

11. In view of the finding recorded above the workman is entitled to reinstatement. Sri V. K. Gupta has argued that reinstatement should not be allowed since the workman had refused to work in the ONGC through the Contractor. I fail to understand why he should have accepted this offer and given up his rights. It means that the work is there with the management. In order to absolve this all other benefits to which regular labour might be entitled under statutory provisions the management have been adopting method of getting work done through contractor. So I find no force in the argument of Sri V. K. Gupta.

12. Hence, held that the action of the management of ONGC in terminating the services of the workman Sri Lalit Mohan Tewari w.e.f. afternoon of 7-3-82 is neither justified nor legal. Consequently the workman is entitled to his reinstatement in service with full back wages on his furnishing an affidavit to the effect that during the period during which he had remained out of service of the management he has not been gainfully employed.

13. Before parting with it, it is observed that from the overall examination of the facts and circumstances of the case, it appears that the management have deliberately taken

the plea that for want of availability of records they are not in position to say anything about the working of the workman. As already observed by me above such high ranking and responsible officer has deliberately with a view to defeat the just claim of the workman has acted in most irresponsible manner while giving his evidence on oath before this Tribunal.

14. Reference is answered accordingly.

ARJAN DEV, Presiding Officer

नई दिल्ली, दिनांक 27-4-92

कां०अ० 1304.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, भारत पेट्रोलियम कारपोरेशन लि० मद्रास के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, मद्रास के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-4-92 को प्राप्त हुआ था।

[संख्या एल-30012/3/86-डी-III (बी)]

बी० एम. डेविड, डेस्क अधिकारी

New Delhi, the 27th April, 1992

S.O. 1304.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Madras as shown in the Annexure in the industrial dispute between the employers in relation to the management of Bharat Petroleum Corporation Ltd., Madras, and their workmen, which was received by the Central Government on 24-4-1992.

[No. L-30012/3/86-D.III (B)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU, MADRAS

Friday, the 27th day of September, 1991

PRESENT :

Thiru M. Gopalaswamy, B.Sc., B.L., Industrial Tribunal.

Industrial Dispute No. 6 of 1987

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the workman and the management of Bharat Petroleum Corporation Limited, Madras.)

BETWEEN

Thiru Ranabhadur, C/o Secretary, Bharat Workers' Union, 4, Perumal Koil West Mada Street, Madras-15.

AND

The General Manager, Bharat Petroleum Corporation Limited, 7, Kodambakkam High Road, Post Box No. 1277, Madras.

REFERENCE :

Order No. L-30012/3/86-D.III (B), dated 31-12-1986, Ministry of Labour, Government of India, New Delhi.

This dispute after restoration coming on for final hearing on Wednesday, the 18th day of September, 1991 upon perusing the reference, claim and counter statements and all other material papers on record and upon hearing the arguments of Thiru P. Sampasivan, Authorised Representative for the workman and of Thiru Georgian P. Morois for Ring and Partridge, Advocates appearing for the Management and this dispute having stood over till this day for consideration, this Tribunal made the following :

AWARD

This dispute between the workman and the management of Bharat Petroleum Corporation Limited, Madras arises

out of a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947 by the Government of India in its Order No. L-30012/3/86-D.III (B), dated 31-12-1986 of the Ministry of Labour, for adjudication of the following issue :

Whether the action of the Management of M/s. Bharat Petroleum Corporation Limited, Madras in terminating the services of the workman Shri Rana Bahadur, Watchman from 3-10-1979 and denying employment to him is justified ? If not, to what relief the said workman is entitled ?

2. The Petitioner in his claim statement alleges as follows :

The Petitioner Thiru Rana Bahadur joined the Respondent as a security guard-watchman from 1-1-78 and was paid Rs. 14.17 per day. The Respondent terminated the Petitioner's services on 14-9-1979. A shocked Petitioner has represented in writing and also made a personal plea on 29-9-79 against the dismissal. The Respondent directed the Petitioner to resume duty and he was working upto 3-10-1979. Again the Petitioner received shock from another termination which was given orally on 3-10-1979. The Petitioner's representations did not bear any fruit. He therefore filed a petition under Section 2-A of the Industrial Disputes Act for relief. However conciliation proceedings failed. The Respondent's oral order terminating the Petitioner from service from 3-10-1979, is illegal. The Respondent is retaining in service casual watchman who are juniors to the Petitioner. Also some more watchmen have been appointed after 3-10-79. The termination of the Petitioner from service is arbitrary, illegal and unjust. Hence an award may be passed directing the Respondent to reinstate the Petitioner in service and pay him back wages and other attendant benefits.

3. The Respondent alleges in its counter as follows :

The Respondent was giving the Petitioner only casual employment on certain days between 17-3-1978 and 2-10-1979. There is no written order by the respondent regarding employment of the Petitioner. The statement shown as annexure to this counter discloses the days and periods when the Petitioner had actually worked as watchman. He was employed only in a casual manner. When the need for casual job came to an end, the Petitioner was told about it and was sent out. Regular recruitment should be made only by calling for candidates from the Employment Exchange according to directives of the Bureau of Public Enterprises, Ministry of Finance, New Delhi. The Petitioner was never appointed as a watchman in a regular capacity. Further more the Petitioner is not a citizen of India. After 12-9-1979 the Petitioner is not a citizen of India. After 12-9-1979 the Petitioner has worked as a casual worker only on 28th, 29th, and 30th September and 1st and 2nd October, 1979. After which he was not given any work. The Respondent did not terminate the Petitioner from job or service because the Petitioner was not a regular employee having right to continuity of service under the Respondent. It is false to allege that certain juniors working with the Petitioner have been retained by the Respondent in service as security guards. The Respondent has employed permanent watchman by selecting them through proper channel according to rules. The Respondent has stated the real position and facts before the conciliation officer. Denial of job to the Petitioner is quite lawful. The claim is liable to be dismissed.

4. The points for determination are as follows :

(1) Whether the termination of services of the Petitioner with effect from 3-10-79 is lawful and justified ?

(2) To what relief, the Petitioner is entitled ?

5. Point No 1.—The worker gave evidence as WW-1. The Management examined Senior Quality Control Officer Thiru S. Seshadri as MW-1. Exs. W-1 and W-2 and M-1 to M-39

series were marked. MW-1 gave evidence only from his knowledge of the records relating to the facts of the case and not from his personal knowledge. Ex. W-1, copy of the employment registration card shows that WW-1 Thiru Rana Bahadur got his name registered in Madras Employment Exchange. To show that he is a voter included in the electoral roll relating to Madras Royapuram Assembly Constituency he has produced Ex. W-2, xerox copy of the voter list. This has been done to meet the case of the Respondent that the Petitioner is not an Indian Citizen at all. The question of nationality of WW-1 need not be decided here. The dispute is adjudicated by me on other grounds without going into the question of nationality.

6. Admittedly, the Petitioner was not appointed as a watchman by any written order. Likewise Respondent's refusal to employ him from 3-10-1979 was also communicated orally on the afternoon of 2-10-1979. The evidence of WW-1 Thiru Rana Bahadur himself proves that he was working in a casual vacancy and that he was paid wages once in week for the days of work excluding the days on which he did not work. The schedule shown as Annexure 'A' attached to the counter statement reveals that the Petitioner worked only for certain days in every month and that he did not work even on a single day in August, September and October, 1978 and also from April to June, 1979. WW-1 does not question the correctness of dates found in Annexure 'A' to the counter statement. This means that he has not worked even as a casual labourer for a period of 240 days in a year. WW-1 also admits that he was not sponsored by the Madras Employment Exchange to be considered for the post of a watchman under the Respondent. He had got the job on a casual basis only by direct negotiation. The Respondent's case is that after the petitioner was not given the casual work of a watchman on 3-10-79, watchmen have been regularly appointed by the Respondent through the Employment Exchange. This is in a way admitted by WW-1 by his version that the Respondent is not employing any casual watchman at present and that only watchman appointed on a permanent basis are serving the Respondent. The denial of work to the Petitioner by the Respondent in the post of a watchman does not fall under the definition of retrenchment within the meaning of Section 25-F of the Industrial Disputes Act. On a careful consideration of the evidence, I hold that the Respondent has denied the job of a watchman to the Petitioner only on the ground that it appointed permanent watchman by removing the casual watchman already working including the Petitioner in accordance with the policy and also the departmental directive governing the Respondent. Therefore I find on the first point that the Respondent's refusal to employ the Petitioner from 3-10-1979 onwards is neither unlawful nor unjust.

7. Point No. 2.—I hold that the Petitioner is not entitled to any relief.

8. In the result, an award is passed dismissing the claim of the workman. No costs.

Dated, this 27th day of September, 1991.

THIRU M. GOPALASWAMY, Industrial Tribunal

Witnesses Examined

For Workman :

WW-1—Thiru Ranabhadur.

For Management :

MW-1—Thiru S. Seshadri

Documents Marked

For Workman :

Ex. W-1/6-11-78—Employment Exchange Registration card issued to the Petitioner-workman Thiru Rana-bahadur (xerox copy)

Ex. W-2—1984 voter's list of State Assembly Royapuram constituency (xerox copy)

For Management :

Ex. M-1/14-10-79—Petition u/s 2-A of the I. D. Act filed the workman before the Labour Officer, First Circle, Madras-1. (xerox copy)

Ex. M-2/31-12-79—Petition filed by the workman for reconsideration of the 2-A Petition filed on 14-10-79 (xerox copy)

Ex. M-3/ — —Reply by the Labour Officer, Circle-I Madras to the workman (xerox copy).

Ex. M-4/25-2-80—English version of Ex. M-3 (xerox copy)

Ex. M-5/5-3-80—Letter from the workman to the Management regarding his re-employment (xerox copy)

Ex. M-6/25-8-80—Letter from the workman to the Management regarding his re-employment (xerox copy)

Ex. M-7/22-2-80—Letter from Iron and Steel Rolling Mills and General Worker's Union, Madras to the Management requesting to re-appoint the Petr-Workman and 2 others (xerox copy)

Ex. M-8/29-11-80—Letter from the workman to the Management regarding his re-employment (xerox copy)

Ex. M-9/11-5-81—Petition u/s. 2-A of the I. D. Act filed by the workman before the Labour Officer, I-Circle, Madras (xerox copy)

Ex. M-10/5-3-80—Letter from the Workman to the Management. (xerox copy)

Ex. M-11/29-11-80— -do-

Ex. M-12/28-3-81—

Ex. M-13/29-10-81—Objection to Ex. M-9 filed before the Labour Officer, Circle-I, Madras. (xerox copy)

Ex. M-14/23-12-81—Conciliation Failure Report (xerox copy)

Ex. M-15/23-12-81—English translation of Ex. M-14 (copy)

Ex. M-16/ — —Copy of G.O. Ms. No. 367, Labour and Employment Dept., dated 20-2-82.

Ex. M-17/5-7-82—Copy of workman's letter addressed to the Secretary to Government, Labour and Employment Dept., Madras-9.

Ex. M-18/22-10-82—Objection to Ex. M-17 filed before the Labour Officer, Circle-I, Madras (xerox copy)

Ex. M-19/25-10-82—Letter by the workman to the Labour Officer, Circle-I, Madras (xerox copy)

Ex. M-20/8-9-83—Letter from the Asstt. Commissioner of Labour, Madras to the Management. (xerox copy)

Ex. M-21/ — —True copy of workman's letter to the Labour and Employment Dept., Government of Tamil Nadu, Madras-9.

Ex. M-22/ — —True copy of Workman's letter to the Hon'ble Minister, Labour Welfare, State of Tamil Nadu.

Ex. M-23/28-9-83—Letter from Management to the Asstt. Commissioner of Labour-I, Madras. (copy)

Ex. M-24/8-12-83—Letter from Management to the Commissioner of Labour, Madras (copy)

Ex. M-25/21-2-85—Petition u/s. 2-A of the I. D. Act filed by the workman before the Asstt. Labour Commissioner (Central) Madras. (copy)

Ex. M-26/16-4-85—Reply filed by the Management before the Asstt. Labour Commissioner (Central), Madras. (copy)

Ex. M-27/28-6-85—Rejoinder filed by the workman before the Asstt. Labour Commissioner (Central), Madras. (copy)

Ex. M-28/ — —List showing name of persons who are juniors to the workman filed by the workman before the Asstt. Commissioner of Labour (Central) Madras. (copy)

Ex. M-29/29-11-85—Letter from Management to the Asstt. Commissioner of Labour (Central), Madras. (copy)

- Ex. M-30/27-3-86—Proceedings of Asstt. Commissioner of Labour (Central) Madras (copy)
- Ex. M-31/4-4-86—Letter from Management to the Asstt. Labour Commissioner (Central), Madras (copy)
- Ex. M-32/21-4-86—Conciliation Failure Report (xerox copy).
- Ex. M-33/3-6-86—Letter from Management to the Asstt. Labour Commissioner (Central), Madras (xerox copy)
- Ex. M-34/17-6-86—Letter from Management to the Secretary to the Government of India, Ministry of Labour, New Delhi (xerox copy)
- Ex. M-35/20-4-78—Xerox copy of reference to this Tribunal.
- Ex. M-36/20-4-78—Central Government's Office memorandum regarding recruitment to Central Government undertaking through Employment Exchange (xerox copy)
- Ex. M-37/1-1-82—Direction's issued by Ministry of Petroleum, Chemicals and Fertilizers, Government of India to all Chief Executive of all Public Sector Undertakings. (xerox copy)
- Ex. M-38 (series)—Xerox copies of casual men wages sheets for the month of March 1978 to July 1978, November and December, 1978, January, 1979 to March, 1979, July 1979 to October 1979 (upto 6-10-79).
- Ex. M-39 (series)—Xerox copies of Muster Roll for casual workmen for the month of January 1978 to December 1978 and January, 1979 to December, 1979.

नई दिल्ली, 28 अप्रैल 1992

का.मा. 1305:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, बारमुआ आयरन माईन आफ राउरकेला स्टील प्लांट, रेल, राउरकेला के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, भुवनेश्वर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-4-92 को प्राप्त हुआ था।

[संख्या एल-26012/590-आई.आर. (विधि)]
बी.एम. डेविड, डैस्क अधिकारी

New Delhi, the 28th April, 1992

S.O. 1305.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Bhubaneswar as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Barsua Iron Mine of Rourkela Steel Plant, SAIL, Rourkela and their workmen, which was received by the Central Government on the 28-4-92.

[No. L. 26012/5/90-IR(Misc.)]
B. M. DAVID, Desk Officer

ANNEXURE

INDUSTRIAL TRIBUNAL, ORISSA, BHUBANESWAR

PRESENT:

Sri R. K. Dash, L.L.B.,
Presiding Officer,
Industrial Tribunal,
Orissa, Bhubaneswar.

Industrial Dispute Case No 36 of 1990 (Central)
Bhubaneswar, the 15th April, 1992

BETWEEN

The Management of Barsua Iron Mine of
Rourkela Steel Plant, SAIL, Rourkela.

...First Party—Management.

AND

Their workman Sri A. Barik represented
through Orissa Minerals Workers Union,
At/P.O. Barsua, Via Koira, Dist. Sundergarh.

.....Second Party—Workmen.

APPEARANCES:

Sri A. Acharya, Sr. Law Officer—For the first party—
Management.

Sri A. Barik, the workman himself.

AWARD

The Government of India in the Ministry of Labour in exercise of powers conferred upon them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) and by their Order No. L-26012/5/90-IR(Misc.) dated -9-1990 have referred the following dispute for adjudication to this Tribunal:—

"Whether the action of the management of Barsua Iron Mine, Rourkela Steel Plant, SAIL, in not releasing Sri A. Barik from Barsua Iron Mines and posting him in the new place of posting in P&DQ Purunapani consequent upon his promotion as Operator (Control Room) in the scale of N-4 and in not providing him financial benefits with effect from 27-1-87 i.e., the date of his promotion is justified? If not, to what relief is the workman entitled?"

2. This case was posted to 21-3-92 for further orders. On that day both parties filed a joint memo stating that they have already settled the dispute out of court in the interest of industrial peace and harmony and prayed to pass an award in terms of the settlement arrived at between them. The terms of the settlement are read over and explained to the parties to which they admit to be true and correct. The settlement seems to be fair and is recorded. Hence, I pass this Award in terms of the settlement which do form of the Award.

Dictated and corrected by me.

R. K. DASH, Presiding Officer
FORM-H

Memorandum of settlement dt. 9-3-92 between the Management of SAIL, Raw Materials Division, Rourkela Zone, Rourkela and the Orissa Mineral Workers Union, At/PO Barsua, Via Koira, Dist. Sundergarh arrived at in course of discussion for settlement of the industrial dispute pending adjudication before the Industrial Tribunal (Central), Bhubaneswar registered as I. D. Case No. 36/90(C).
Representing Management. Representing Workmen.

1. Sri N. C. Ghosh,
Sr. Manager (PL) RMD.

1. Sri R. P. Singh, General
Secy. OMWU, BIM.

2. Sri A. Baraik,
Technician (Elect.) BIM.

Short recital of the case

The General Secretary, Orissa Mineral Workers Union At/PO Barsua, Via Koira, Dist. Sundergarh (Orissa), raised an industrial dispute vide his letter No. OMWU/89/263, dt. 4-9-89 challenging non-release of Sri A. Baraik, Pl. No. 35798, Electrician, Barsua Iron Mine to join the post offered vide Office Order No. PL-MP/87003, dt. 27-1-87 at Purunapani Limestone and Dolomite Quarry, Purunapani. The dispute was admitted for conciliation by the Asstt. Labour Commissioner (Central), Rourkela but failed. In consideration of the failure of conciliation, the Ministry of Labour, Government of India, referred the dispute for adjudication to the Industrial Tribunal (Central), Bhubaneswar which has been registered as I. D. Case No. 36/90(C).

During the pendency of the dispute before the Hon'ble Industrial Tribunal (Central), parties to the dispute held

discussion on the issue mutually and after protracted discussion agreed to resolve the dispute on the following terms:

TERMS OF SETTLEMENT

1. The Seniority of Sri A. Baraik, Pl. No. 35798, Technician (Elect.) in L-4 grade shall be counted w.e.f. 27-1-1987.
2. Sri Baraik will not be entitled to any financial benefit in terms of (1) above.
3. The Union and workman have agreed not to raise any dispute nor make any claim/demand in future for any further benefit on the issue and this settlement fully and finally resolves the dispute raised by the union.
4. Both the Management and the Union will file an application jointly before the Hon'ble Industrial Tribunal (Central), Bhubaneswar praying for passing an Award in terms of this settlement.
5. The terms of the settlement will be implemented within a period of 90 (ninety) days from the date of publication of the Award.

Signature of the parties

Representing the Management. Representing the Workman.
Sd/- Sd/-

(N. C. Ghosh.)

(B. P. Singh.)

Sd/-
(A. Baraik.)

Witness :

Sd/-

1. Sri K. Vasodharan,
Jr. Executive (PL) BIM.

नई दिल्ली, 30 अप्रैल, 1992

का.प्र. 1306 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, बम्बई पोर्ट ट्रस्ट के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं.-2, बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-4-92 को प्राप्त हुआ था।

[संख्या एल-31012/1/89-आई.आर. (विविध)]

बी.एम. डेविड, डैस्क अधिकारी

New Delhi, the 30th April, 1992

S.O. 1306.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 2, Bombay as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bombay Port Trust and their workmen, which was received by the Central Government on 29-4-92.

[No. L. 31012/1/89-IR(Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, AT BOMBAY

PRESENT :

Shri P. D. APSHANKAR, Presiding Officer.

Reference No. CGIT 2/16 of 1989

PARTIES :

Employers in relation to the management of Bombay Port Trust.

AND

Their Workmen.

APPEARANCES :

For the Employer : Shri C. D. Margolkar, Advocate.

For the Workmen : Shri S. R. Wagh, Advocate.

INDUSTRY : Port and Docks

STATE : Maharashtra

Bombay, the 2nd April, 1992

AWARD

The Central Government by their Order No. L-31012/1/89-IR(Misc.), dated 31st May, 1989 have referred the following industrial dispute to this Tribunal for adjudication under section 10(1)(d) of the Industrial Disputes Act, 1947 :

"Whether the management of Bombay Port Trust, Bombay, in relation to their Mobile Crane Section, at Bombay, were justified in imposing a fine of Rs. 150 (Rupees One Hundred and Fifty only) on Shri N. V. Joshi, Driver, IInd Gr. If not, what relief is the workman concerned entitled to?"

2. The case of the workman Mr. N. V. Joshi, as disclosed from the statement of claim (Ex. W/2) filed by the Secretary of the Transport and Dock Workers' Union, Bombay, in short, is this :

The said workman is in the employment of the Bombay Port Trust, Bombay. He was on duty at No. 1 Unclear Warehouse on 29-11-1984 and was asked to operate forklift No. 3 for loading and stacking cargo in the shed from the Wharf. Another forklift No. 25 was also operating in the similar manner at the same work place on that day. The mode of operation of the fork lift No. 25 was to remove the boxes (Cargo) from the lorry, and the work of the workman (fork-lift No. 3) was to stack these boxes in the shed. While this work was in progress, the workman (lift No. 3), after stacking a box in the shed, was driving his fork-lift out of the shed to lift and carry a box from the other fork-lift (No. 25), which was standing at some distance near the gate of the said shed. The entrance (gate) of the shed has a descending slope, and when the workman was driving his fork-lift out of the shed through the entrance, it started rolling down on the slope. In order to control the speed and to avoid collision with the lorry parked, he applied the brakes. However, the speed could not be controlled even on the application of the hand brakes. Therefore, the workman tried to change the direction of the fork-lift (No. 3) by moving the steering to one side to avoid collision with the parked lorry, but the front wheel of the fork-lift (No. 25) and its tyre got punctured. All these things took place within a few seconds. This incident of puncturing the front wheel of Fork-lift (No. 25) took place because of the failure of the brakes and the slippery slope of the entrance of the shed, and not because of the negligence or intentional act on the part of the workman.

3. The Union further alleged thus :

After the said incident, the management issued a memo dated 8-5-1985 to the workman, and the workman submitted his explanation thereto. Thereafter, the management, by their order dated 11-2-1987 imposed a fine of Rs. 150 upon the workman which was to be recovered from his pay in 3 monthly instalments of Rs. 50 each. This penalty of Rs. 150 has been imposed towards the full costs of the damage caused to the tyre of the fork-lift (No. 25). This action of the management in imposing a penalty of Rs. 150 and recovering it from the pay of the workman is illegal, improper and unjust, and it is against the principles of natural justice. The management has not followed the due process of law while imposing and recovering the said penalty from the workman. Therefore, the workman approached the Union in the matter, and the Union raised an industrial dispute before the ALC (Central) Bombay. As the conciliation proceedings ended in failure, the Central Government made the reference as above.

4. The Union further alleged thus :

In case the management was not satisfied with the written explanation submitted by the workman, it was necessary on the part of the management to hold the necessary departmental enquiry against the workman, and to give him proper opportunity to

establish his innocence. However, no such enquiry was held against him by the management. As such, the action of the management in question is bad in law. Therefore, the Union lastly prayed that this Tribunal should hold the action of the management in question as unjust and illegal, and should direct the management to return the amount of Rs 150 to the workman illegally recovered from his pay.

5. The Secretary of the Bombay Port Trust, by his written statement (Ex. M3) opposed the said claim of the workman, and in substance contended thus :

It is not true that the management imposed a penalty of Rs. 150 on the said workman, as alleged by him. The management only recovered the amount of pecuniary loss caused by the negligence of the workman, from his pay. It is not true that the entrance of the shed where the said workman was working on the said day, had any appreciable descending slope. It is also not true that there was failure of brakes of the fork-lift No. 3 which the workman was driving. The Mobile Crane Supervisor on duty at the material time visited the site of the accident immediately after the occurrence of the incident, and made the preliminary investigation and inspection he found that the brakes of the fork-lift (No. 3) were in order, and that the incident had occurred due to the negligence on the part of the workman in question, i.e. the driver of the fork-lift No. 3.

6. The management further contended thus :

The said workman was given a personal hearing by the management by the disciplinary authority before imposing the said penalty of recovering the cost of pecuniary loss caused by his negligence and thereby damaging a tyre of another fork-lift No. 25. The said personal hearing was given in the presence of a Welfare Officer of another independent department, and thus a fair and proper opportunity was given to the workman to defend his case. The management further contended that in exercise of the powers vested under section 126 of the Major Port Trust Act, 1963, read with other relevant provisions of the said Act, the Central Government has framed Bombay Port Trust Employees (Classification, Control and Appeal) Regulations, 1976, which were duly published in the Gazette of India—Part II, Section 3, Sub-section (i) dated 8th May, 1976. The management i.e. the disciplinary authority is empowered under the said provisions to impose, for good and sufficient reasons, a penalty of recovering from the workman's pay the whole or part of the pecuniary loss caused by negligence or by the breach of any order on the part of any workman. The management has duly complied with the procedure prescribed under the said Regulations before imposing the aforesaid penalty of recovering the sum of Rs. 150 from the pay of the workman in question. It was not necessary for the management to hold any departmental enquiry against the workman in the matter. The penalty imposed on the workman is a minor penalty and the procedure prescribed in the said regulation for imposing a minor penalty was properly followed by the management, after giving proper and adequate opportunity to the workman in the matter. As only a minor penalty was imposed on the workman the industrial dispute in the present reference is frivolous. The management, therefore, lastly prayed that this Tribunal should uphold their action in the matter, and should reject the claim of the workman.

6A. The Issues framed at Ex. 4 are :

- (1) Whether the accident in question took place because of the negligence on the part of the workman Shri N. V. Joshi?

- (2) Whether the action of the BPT management in imposing a fine of Rs. 150 upon said workman, without holding any departmental inquiry against him, is just and proper?
- (3) Whether the BPT management imposed a fine of Rs. 150 on the said workman?
- (4) Whether a fair and proper opportunity was given to the workman, before the penalty was imposed upon him?
- (5) To what relief, if any, the workman is entitled?
- (6) What Award?

7. My findings on the said Issues are :

- (1) No.
- (2) No.
- (3) Imposed a penalty of Rs. 150.
- (4) No.
- (5) As per Award below.
- (6) As per Award below.

REASONS

8. The workman Shri N. V. Joshi filed his affidavit (Ex. W/15) in support of his case, and he was cross-examined on behalf of the Management. The Bombay Port Trust Management examined two witnesses in support of their case, and they were cross-examined on behalf of the workman. The said workman is the only witness to the accident in question. Neither of the two witnesses examined on behalf of the management was present at the time of the actual accident. As such, in the circumstances of the case, and on taking into consideration the oral and documentary evidence on the record, I accept the case of the workman. According to the workman, the accident in question had taken place due to the failure of brakes and due to the slippery slope at the place of accident, and not because of his negligence. According to the Management, the accident in question had taken place due to the negligence of the workman himself. However in the circumstances of the case, I believe and accept the workman's case.

ISSUE NO. 1

9. The said workman Shri N. V. Joshi, in substance, state in his affidavit thus :

On the night of 29-11-1984 at about 10.30 p.m. he was on duty at No. 1, Uncleared Ware House at the Port at Bombay. He was then operating fork-lift No. 3 for loading and stacking cargo in the shed from the wharf. After stacking cargo in the shed, he was driving fork-lift No. 3 out of the shed gate to lift and carry cargo from fork-lift No. 25, which was standing at some distance near the gate of the shed. The gate of the shed had a descending slope and at that time it was also slippery due to oil etc. When his fork-lift No. 3 started descending the said slope, it started falling down and went out of his control. He, therefore, applied the brake, but the brake did not work. He, therefore, applied the hand brake also, but he could not control the vehicle. Therefore, in order to avoid collision with the lorry standing outside the gate, he changed the direction of his vehicle, but the fork of his vehicle hit the front tyre of fork-lift No. 25 and punctured it. The damage to the front wheel of the fork-lift No. 25 did not take place because of any negligence or intentional act on his part and that he had taken utmost care and precaution to avoid the collision with the lorry and fork-lift No. 25.

10. In his cross-examination he stated thus :

"After the accident, the Supervisor Shri Gurav came to the place of accident. It is not true that he i.e. the workman tendered apology for the incident before the Chief Mechanical Engineer. However the Chief Mechanical Engineer told him that the accident had taken place because of his fault and that

a sum of Rs. 50 would be deducted from his pay at the rate of Rs. 50 per month." In the circumstances of the case, I believe the evidence of the said workman, as stated by him in his examination-in-chief.

11. Shri R. A. Gurav, the witness No. 2 for the Management, in substance stated in his affidavit (Ex. M/18) thus:

"In 1984 i.e. at the time of accident in question, he was working as a 'Crane Supervisor' in the Bombay Port Trust. The said workman Shri Joshi was working under him as a Driver, Grade II. On the night of 29-11-1984 at about 10.00 p.m. he received a telephone call from the workman about the accident in question. Hence he immediately rushed to the place of accident, and found that the work-lift No. 3 had damaged the front tyre of fork-lift No. 25. The tyre of fork lift No. 25 was cut and was punctured. He started fork-lift No. 3 and tested the brakes, and found them to be in order. Even the hand brake was working properly, and nothing at all was wrong with the fork-lift No. 3. As such, he pointed out to the workman that his allegation that the brakes had failed, was not true and correct, and that the accident had taken place only due to his negligence. The slope at the accident spot was normal and at that time it was not slippery. On the next day he informed his superior officer Shri M. G. Patankar (MW No. 1) about the accident in question, and then submitted his hand written report to him on 3-12-1984."

12. In his cross-examination the said witness Shri Gurav, i.e. the Crane Supervisor stated and admitted:

"That the accidents of the nature in question had taken place in the past. Thus, even in the past the accidents had taken place due to the failure of brakes and because of the slippery slope of the place, and not because of any negligence on the part of any employee. The report submitted by the crane Supervisor Shri Gurav to his superior officer is at (Ex. M/11). It was submitted on 3-12-1984, i.e. only four days after the accident in question. The witness Shri Gurav admitted in his cross-examination that even though he made the statement in his affidavit that he started fork-lift No. 3 and tested the brakes himself, such a statement is not appearing in his above stated report. He further stated in his affidavit that the slope at the accident spot was normal and at the time of the accident it was not slippery, but that such a statement is not appearing in his above stated report dated 3-12-1984 (Ex. M/11). (On the contrary the statement appearing in the report is that, as there was the slope, the brakes could not be applied properly). The said witness Shri Gurav lastly admitted in his cross-examination that even if the vehicles are duly checked, an accident can take place due to the technical defect. Therefore, in view of what the crane supervisor Shri Gurav (MW No. 11) stated in his cross-examination, his statement in his examination-in-chief that the accident in question had taken place only because of the negligence of the workman, cannot at all be accepted."

13. The first witness for the Management viz. Shri M. G. Patankar stated in his Examination-in-chief thus:

"At that time he was working as a Superintendent in the Mobile Crane Section. He learnt about the accident in question from the Crane Supervisor Shri Gurav, on the next day of the accident. A minor enquiry was held against the said workman by the Chief Mechanical Engineer, when he was present there, and the said workman was found guilty of the charge of negligence."

14. In his cross-examination he stated that he visited the place of accident two to three days after the accident. As

such this witness has no personal knowledge about the accident in question, and his evidence is of no use in proving the alleged negligence on the part of the workman.

15. The documentary evidence on the record is thus:—

The workman submitted his report (Ex. W-5) to the Crane Supervisor on 10th December, 1984, i.e., about twelve days after the accident in question. He clearly stated in that report that the accident had taken place due to the slope of the way in question and because of the failure of brakes, and not because of his negligence. A show-cause notice (Ex. W/6) was issued by the Chief-Mechanical Engineer to the workman on 8th May, 1985 i.e. about five months after the accident in question, to show-cause within two weeks why the disciplinary action under Rule 22(2)(c) and (i) read with regulations 8 and 14 of the B.P.T. employees Classification Control and Appeal, Regulations, 1976, should not be taken against him for his misconduct, and why an amount of Rs. 150 should not be recovered from him towards the cost of damage caused to the tyre. Thus, the B.P.T. management was thinking of taking a disciplinary action against the said workman. However, except issuing the said memo dated 8th May, 1985 (Ex. W/6), and except giving the personal hearing to the workman, no further departmental enquiry was admittedly held by the management against the workman. I find that in the circumstances of the case, the necessary departmental enquiry should have been held by the Management against the workman, and in proper and sufficient opportunity should have been given to the workman to prove his case of non-negligence. However, no such action was taken by the management in the present case. The workman submitted his reply dated 14th May, 1985 (Ex. W/7) to the said memo, and stated therein that the accident in question had taken place because of the slope on the way; and the failure of brakes, and not because of any negligence on his part. Thereafter, the punishment was inflicted upon the workman by the memo of the management dated 11th February, 1987 (Ex. W-8). As such the punishment was inflicted upon the workman about 1-3/4 years after the workman submitted his reply, and after 2-1/4 years after the accident in question. By this memo, the workman was informed that a personal hearing was given to him by the Chief-Mechanical Engineer on 15th January, 1987 in the presence of the Welfare Officer, and that the reply given by the workman was found not satisfactory, and as such a sum of Rs. 150 would be recovered from his pay by three monthly instalments of Rs. 50 each for his negligence in question and for causing damage to the tyre of the fork lift No. 25 on 29th November, 1984. Accordingly the amount of Rs. 150 was recovered from the pay of the workman in three monthly instalments of Rs. 50 each.

Ex. M-11 is the report submitted by the Crane Supervisor Shri Gurav to the Supervisor of the Crane Section on 3rd December, 1984, i.e. only four days after the accident in question. In this report, the management's witness Shri Gurav clearly stated that there was a slope and the brakes could not be applied properly. Therefore, this report in fact supports the case of the workman that the accident had not taken place due to his negligence. In the result, for all the reasons stated above, I find that the accident in question had not taken place because of the negligence on the part of the said workman.

Issue No. 1 is therefore, found in the negative.

ISSUE NOS. 2, 3; and 4

16. According to the workman, the management had imposed a fine of Rs. 150 upon him. However, this contention of the workman is not correct. As can be seen from regulation 8 of the said Regulations, the recovery from the pay of an employee of the amount of the pecuniary loss caused by him to the work by his negligence is a minor penalty. Therefore, in the present case, the management had inflicted a

minor penalty, and had not imposed the fine upon the workman. However, as the accident had not taken place due to the negligence of the workman, the management's action in imposing the penalty of Rs. 150 upon the workman, was not just and proper. As noted above, no departmental enquiry was held against the workman before the said penalty was imposed upon him. It is true that as per regulation 14 of the said regulations, it is in the discretion of the management whether to take the necessary disciplinary action against an employee or not. However, in the present case, I find that the management should have held the necessary departmental enquiry against the workman before the said punishment was imposed upon him. As noted above, except issuing the show-cause notice, and except giving a personal hearing to the workman, no other enquiry was held against him. As such, I find that no fair and proper opportunity was given to the workman before the said penalty was imposed upon him.

Issue Nos. 2, 3 and 4 are therefore found as stated above.

17. It was urged on behalf of the management that in case the fork lift had slipped or skidded due to the slippery slope, there would have the skid marks on the tyre, but nobody reported about the skid marks in the present case. However, in the present case, no panchanama was drawn of the place of accident after the accident in question. Therefore, it cannot be stated whether there were skid marks or not.

18. In the result, the action of the management of the B.P.T. in imposing fine (i.e. penalty) of Rs. 150 upon the said workman, is not just and proper. As such, the management is liable to repay said amount of Rs. 150 to that workman. I find that this is a fit case wherein the management should further be directed to pay Rs. 50 as the amount of interest, and Rs. 300 as the amount of costs of these proceedings, to the workman.

19. The following Award is, therefore, passed :

AWARD

The action of the Management of Bombay Port Trust, Bombay, in relation to their Mobile Crane Section, at Bombay, in imposing a fine of Rs. 150 (Rupees One Hundred and Fifty only) on Shri N. V. Joshi, Driver, Hind Grade, is not just, proper and legal.

The management of the B.P.T. is hereby directed to repay the amount of Rs. 150 to the workman, and also to pay him Rs. 50 as the amount of interest thereon, and Rs. 300 towards the costs of the present proceedings.

P. D. APSHANKAR, Presiding Officer

नई दिल्ली, 30 अप्रैल, 1992

का.भा.1307:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ने, एम.बी. एण्ड कं.लि., कोचीन-3 के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में लिखित औद्योगिक विवाद में औद्योगिक अधिकरण, कम लेबर कोर्ट, एर्नाकुलम के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-4-92 को प्राप्त हुआ था।

[संख्या एल-35011/5/88-डी-III (बी)]

बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 30th April, 1992

S.O. 1307.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal-cum-Labour Court, Ernakulam as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. M.B. & Co. Limited, Cochin-3, and their workmen, which was received by the Central Government on the 29th April, 1992.

[No. L. 35011/5/88-D.III(B)]
B. M. DAVID, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT LABOUR COURT, ERNAKULAM

(Labour Court, Ernakulam)

Friday, the 24th day of April, 1992

PRESENT :

Shri R. Raveendran, B.A., B.L., Presiding Officer.
Industrial Dispute No. 6/89 (C)

BETWEEN

The General Manager-Shipping, M/s. M.B. & Company
Limited, Wellington Island, Cochin-682003, Kerala.

AND

1. The General Secretary, Progressive Port & Dock Workers Union, D. No. 2/94, Calvathy, Cochin-682001, Kerala.
2. The General Secretary, Cochin Port Thozhilali Union, Main Road, Mattanchery, Cochin-682002, Kerala.

REPRESENTATIONS :

M/s. Menon & Pai, Advocates, Ernakulam, Cochin-682011.
... For Management.

Sri. A. X. Varghese, Advocate, 'Niyamavedi' 2/63,
Cochin-1. ... For Union No. 1.

AWARD

"Whether the action of the Management of Messrs M.B. & Co. Ltd., Wellington Island, Cochin-3, Kerala in denying regularisation of Sarvashri K. J. Joseph, V. G. Xavier and K. A. George, casual coppers is justified. If not to what relief the workmen concerned are entitled?" is the issue referred for adjudication to this court as per Order No. L-35011/5/88-D.III(B) dated 2nd January, 1989.

2. Pursuant to the notice issued from this Court, both parties entered appearance and advanced their respective pleadings. When the case was posted for evidence it was submitted that the matter was settled out of court. A memo was also filed to that effect. According to para (1) of the claim statement dated 25th February, 1992 filed on behalf of progressive Port & Dock Workers Union, they are not pressing the demands in respect of S/Sri V. G. Xavier and K. A. George. Now the dispute regarding S/Sri K. J. Joseph and M. S. Chacko has been settled by memorandum of settlement dated 14th January, 1992. The settlement was produced along with his memo. Hence the award is to be passed in terms of the settlement as follows:—

- (i) It is agreed by the employer that even though workmen are not entitled to any benefit under law as they have not put continuous service under the employer, K. J. Joseph and M. B. Chacko will be paid an amount of Rs. 13,104 each as a gesture of good will and without creating any precedent.
- (ii) The workmen accept that they have attained the age of superannuation and they will not have any right to claim employment under the management in future.
- (iii) The workmen further agrees that they are not entitled to claim any terminal benefits under law and they accept the amount offered by the management under clause 1 in full and final settlement of all their claims against management arising out of their employment including gratuity and they will not raise any further demand. Monetary or otherwise.
- (iv) The workmen further agree that since they have already attained the age of superannuation, they are not press their claims for regularisation."

3. In the result, the award is passed in the above mentioned terms.

Ernakulam,
24-4-1992

R. RAVEENDRAN, Presiding Officer.

नई दिल्ली, 27 अप्रैल 1992

का.आ.1308:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबन्धतल के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधि-करण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-4-93 को प्राप्त हुआ था।

[संख्या एल-42012/177/87-डी-II (बी)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 27th April, 1992

S.O. 308.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of Food Corporation of India of their workmen, which was received by the Central Government on 27-4-1992.

[No. L-42012/177/87-D.II (B)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE SRI ARJAN DEV, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, PANDU NAGAR, KANPUR.

Industrial Dispute No. 137 of 1988

In the matter of dispute :

BETWEEN

The Secretary,

Bhartiya Khadya Nigam Class IV Employees Union
Dehradun.

AND

The Sr. Regional Manager,
Food Corporation of India,
Lucknow.

AWARD

1. The Central Government, Ministry of Labour, vide its Notification No. L-42012/177/87/D.II (B) dated 17-4-88, has referred the following dispute for adjudication to this Tribunal :

Whether the action of the Management of Food Corporation of India in not promoting Sri Ram Prasad Anthwal, Messenger, who is being utilised as a Driver since September 1983 to the post of Driver and not paying him the salary of a Driver, is justified ? If not to what relief the workman concerned is entitled ?

2. The Industrial Dispute on behalf of the workman has been raised by Bhartiya Khadya Nigam Class IV Employees Union Dehradun (hereinafter referred to as Union) through its Secretary.

3. The case of the Union in brief is that the workman Sri Ram Prasad Anthwal was appointed as a messenger in the F.C.I. on 13-6-72. As he possessed a driving licence and had experience of driving vehicle his services were utilised as a driver by the management of F.C.I. from 6-7-76, to August 1983. In August 1983, he was transferred to Dehradun. At Dehradun he was depolyed as a driver continuously from 12-9-83. The Union alleges that many a times the workman requested the management for his posting as driver and his regularisation in service on the said post in vain. During the said period, the management kept many persons who were junior to the workman as drivers. For instance in 1986/1987 two persons were recruited as drivers but the workman was not consi-

dered for such appointment. Pleased with his work and conduct the management gave him an incentive award of Rs. 500 for the year 1982. The Union, has, therefore, prayed for the regularisation of the services of the workman on the post of driver from 1976 with arrears of wages.

4. The case is contested by the management. The management plead that the workman was appointed as Watchman on 13-6-72 and was posted at Ujjain. Lateron he was transferred to Sanaranpur where he joined on 6-7-73, and was posted at Food Storage Depot Dehradun. Since the workman knew driving and held a driving licence his services were utilised for driving staff car during brief periods as and when regular driver was on leave on payment of deployment allowance of Rs. 1 as day. The management deny that the workman had worked as a driver from 12-9-83 onwards continuously. The management plead that the workman had applied for the post of driver which was to be filled up by direct recruitment and it was not a promotional post. The educational qualification prescribed for the said post was middle pass with age limit as 28 years. Besides driving experience of 4 years with a valid driving licence was also required. After interview it was found that the workman was over-age by several years as his date of birth was 20-9-51 and that he has passed only 5th class. Thus he could not be appointed as a driver under the staff regulations. Further since the post was not the promotional he could not be promoted to the said post. The management admit that the workman had made several representations to the management but no action could be taken on that for the reasons stated above. If the workman was deployed as a driver he was not prejudiced in any way as he was getting deployment allowance. The management also plead that there is no bar for recruitment of fresh candidates possessing the requisite qualification. In the circumstances, the workman cannot be appointed as a driver with retrospective effect. If his claim is accepted direct recruits would become junior to him and it would create a chaos in the matter of seniority resulting in a lot of litigation from every corner. Thus, the Union/workman has no case at all.

5. In its rejoinder, the Union has admitted the fact alleged by the management that for the period for which the workman had been deployed as a driver he had been paid deployment allowance at the rate of Rs. 1 a day. The Union has further alleged that during the period 6-7-76 to 1983 the services of the workman had been deployed as a driver from time to time but during the period 1983 to 11-4-88 he had worked as a driver continuously. According to the Union age and educational qualifications are to be satisfied only in case of direct recruits but Rules as to age and educational qualifications do not apply in the case of departmental employees. In their case the primary things to be looked into are conduct and efficiency. In fact the plea raised with regard to educational qualifications and age have been raised by the management only in order to defeat the claim of the workman.

6. In support of their respective cases both sides have led oral as well as documentary evidence. Whereas the workman has examined himself, the management have examined Sri S. P. Ram, Dy. Manager Regional Office FCI Lucknow. The reference order calls for determination of the following two questions—

- (1) Justification of the action of the management in not paying the workman the wages of a driver despite utilising his services as such since September, 1983.
- (2) Justification of the action of the management in not promoting the workman to the post of driver.

There is no dispute about the fact that the workman was appointed on 13-6-72, according to the Union as messenger, according to the management as watchman.

7. The case of the Union is that the job of driver was taken from time to time between 6-7-76 to 1983 (vide para 7 of the rejoinder) and continuously from 1983 to 11-4-88. On the other hand, the case set up by the management is that the services of the workman were not utilised as a driver continuously but as and when required. In view of the reference order we are not required to examine the question of payments of a driver from before September, 1983.

8. A number of documents have been filed by the Union to prove the working of the workman as a driver from September, 1983 onwards. They are copies of office orders and are Ext. W-6, W-7 and W-10 to W-15 and W-19. The periods are—

12-9-83	to	9-10-83
5-11-83	to	24-12-83
1-1-84	to	till further orders
25-4-85	to	7-5-85
1-11-85	to	28-1-86
1-2-86	to	30-4-86
5-5-86	to	1-8-86
4-8-86	to	31-10-86
2-11-86	to	28-1-87
2-2-87		
28-3-87	to	24-6-87
4-8-87	to	31-10-87
3-11-87	to	31-1-88
3-2-88	to	1-5-88
5-5-88	to	6-7-88

The above periods of working are admitted by the management witness in para 3 of his affidavit but for the period shown in office order, copy Ext. W-7, i.e. 25-4-85 to 7-5-85. Further there is nothing both in the affidavit of the management witness and also in the office order, copy Ext. W-6 as to for how many days the workman had worked as a driver from 1-1-84 onwards. In the absence of any evidence to the contrary from the side of the management, the workman can be held to have worked as driver upto 24-4-85 as the next period of his working is from 25-4-85.

9. It is even admitted to the Union that the workman had been paid Rs. 1 a day a deployment allowance for the above said periods. Having received the payments as per Rules the question of further payment on account of his deployment as driver during the said periods does not arise. Thus on the first point the action of the management cannot be held as unjustified.

10. Now I come to the second point. Document No. 4 of management's list of documents dated 10-9-85 is the copy of extract from Staff Regulation the Food Corporation of India with regard to the recruitment of drivers Gr. II. During the course of arguments Sri S. N. Nigam the authorised representative for the management placed before the court a book on Staff Regulation. The extract referred to above was examined and compared in the presence of the representative for the Union and it was found as correct. For direct recruitment as driver Gr. II the educational qualification prescribed is middle standard with driving experience of 4 years and age limit as 28 years.

11. Ext. M-2 is the copy of application dated 27-9-76 given by the workman to the Sr. Regional Manager F.C.I. Lucknow for his appointment as a driver. In it he has stated that he was a watchman posted at Dehradun. He has also stated that he is middle pass and that he was 25 years age.

12. The fact alleged by the workman with regard to his educational qualification has been found as false. In his cross examination, the workman has admitted that the said application was moved by him. He has also admitted that at that time he was only 5th Class pass and not 8th Class. According to him he passed the 8th Class in 1987.

13. In para 15 of his affidavit the management witness has deposed that subsequently the age limit was relaxed in the case of departmental employees. Now I refer to annexures I and II to the affidavit of the management witness.

14. Annexure I is the copy of letter dated 28-2-87 from the Senior Regional Manager to the District Managers of Food Corporation of India, Varanasi, Gorakhpur etc. It was written in connection with the filling up the post of vehicle drivers Gr. II in the scale of Rs. 290-480 in Food Corporation of India, U.P. Region. The Senior Regional Manager requested the District Managers to circulate his letter amongst the staff and forward the applications of candidates to him latest by 9-3-87. The Senior Regional Manager, even fixed

12-3-87 as the date of interview at Food Corporation of India, Regional Office, Lucknow.

15. Annexure II refers to the candidates who were interviewed. Of these candidates their educational qualifications, age, present post held etc., are also given. From annexure III it appears that Sri Mewa Lal and Moti Lal were selected for appointment as drivers. In annexure III, the educational qualification of Mewa Lal is given as 8th Class and that of Moti Lal is given as High School. The educational qualification of the workman is given as 5th pass. From annexure III, it thus becomes evident that on the basis of interview held on 12-3-87, the workman was not selected.

16. I may state here that both the selected candidates were departmental candidates and that they had been working as watchman prior to their selection. In his examination in chief, the workman has admitted that both Sri Mewa Lal and Moti Lal were initially appointed as watchman and both were selected as drivers in 1987. According to the workman whereas Sri Mewa Lal is 6th Class pass, Sri Moti Lal is only 4th class. This does not appear to be true when seen in the light of information contained in annexure II of the affidavit of the management witness. If the workman could pass 8th class in 1987, they could have also passed 8th class and high school during the course of service as watchman. Thus I conclude that because of the qualifications prescribed the workman was not eligible for his appointment as driver Gr. II. He became eligible when he acquired the minimum educational qualification of 8th class pass in 1987. There is no evidence that after the selection of Mewa Lal and Moti Lal vacancies were notified before his actual appointment as a driver Gr. II by means of letter of appointment dated 9/14-10-91 copy Ext. W-18. So the action of the management on this count also cannot be held as unjustified.

17. Hence from the findings recorded above, I hold the action of the management on both the count as justified. As observed above the workman has now been appointed as driver Gr. II.

18. Reference is answered accordingly.

ARJAN DEV, Presiding Officer

नई दिल्ली, 28 अप्रैल, 1992

का.आ. 1309 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, डेना बैंक प्रबन्धन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण तमिलनाडु के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-4-92 को प्राप्त हुआ था।

[संख्या एल-12011/70/88 -डी-1(ए)]

वी.के. वेणुगोपालन, डेस्क अधिकारी

New Delhi, the 28th April, 1992

S.O. 1309.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Tamil Nadu as shown in the Annexure in the Industrial dispute between the employers in relation to the Mgt. of Dena Bank and their workmen, which was received by the Central Government on the 24-4-92.

[No. L-12011/70/88-D.II (A)]

V. K. VENUGOPALAN, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL
NADU MADRAS

Friday, the 10th day of April, 1992

PRESENT:

THIRU M. GOPALASWAMY, B.Sc., B.L.
Industrial Tribunal.
Industrial Dispute No. 8 of 1989

(In the matter of the dispute for adjudication under section 10(1)(d) of the Industrial Disputes Act, 1947 between the workmen and the management of Dena Bank, Madras-34).

BETWEEN

The workmen represented by
The General Secretary,
Dena Bank Staff Union,
No. 1, Thanicachalam Road,
T. Nagar, Madras-600017.

AND

The Regional Manager,
Dena Bank,
No. 134, Nungambakkam High Road,
Ganpat Buildings, Madras-600034.

REFERENCE :

Order No. L. 12011/70/88-D.(II)(A), dated 5-1-1989 of the Ministry of Labour, Government of India.

This dispute coming on this day for final disposal in the presence of Thiruvallargal Aiyar and Dolia and R. Arumugam, Advocates appearing for the workmen and of Thiruvallargal S. Sampath Kumar and K.S.V. Prasad, Advocates for the management and the counsel for the workmen having made an endorsement for withdrawing the dispute, this Tribunal passed the following :

AWARD

This dispute between the workmen and the management of Dena Bank, Madras-34 arises out of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947 by the Government of India in its Order No. 12011/70/88-D.II(A), dated 5-1-1989 of the Ministry of Labour, for adjudication of the following issue :

"Whether the action of the management of Dena Bank is justified in introducing a clause in their promotion policy to the effect that employee who has voluntarily relinquished cashier allowance in any category will not be considered for this or any other allowance payable to the cashier? If not, what should be the modification to be suggested?"

(2) Parties were served with summons.

(3) The Petitioner-Union has filed its claim statement on 9-5-1989 putting forth the claim of the workmen. In repudiation thereof, the management has filed their counter statement on 28-7-1989.

(4) After several adjournments when the dispute was called today, the counsel for the Petitioner-Union has made the following endorsement.

"The Petitioner prays that the above Industrial Dispute may be dismissed as withdrawn as the same is settled out of court."

(5) In view of the above endorsement, Industrial Dispute is dismissed as withdrawn.

Dated, this 10th day of April, 1992.

M. GOPALASWAMY, Industrial Tribunal

नई दिल्ली, 29 अप्रैल, 1992

क्र. भा. 1310:—औद्योगिक विवाद अधिनियम, 1947 (1947 की 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, बैंक आफ बड़ोदा के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-4-92 को प्राप्त हुआ था।

[संख्या एल-12011/88/90-डी-2(ए)]
बी. के. वैणुगोपालन, डेस्क अधिकारी

New Delhi, the 29th April, 1992

S.O. 1310.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the award of the Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial dispute the employers in relation to the Mgt. of Bank of Baroda and their workmen, which was received by the Central Government on the 28-4-92.

[No. L-12011/88/90-IR (B-II)]
V. K. VENUGOPALAN, Desk Officer

ANNEXURE

BEFORE SHRI ARJAN DEV PRESIDING OFFICER
CENTRAL GOVERNMENT, INDUSTRIAL TRIBUNAL
DEOKI PALACE ROAD, PANDU NAGAR, KANPUR
Industrial Disputes No. 72 of 1991

In the matter of dispute between

The General Secretary,
Bank of Baroda Staff Association,
Madho Bhawan 15/222-A Civil Lines
Kanpur.

AND

Regional Manager,
Bank of Baroda
19 Ve Road Lucknow

AWARD

1. The Central Government Ministry of Labour, New Delhi, vide its Notification No. L-12011/88/90-IR (B-II) dt. 3-6-91 has referred the following dispute for adjudication to this Tribunal :

"Whether the action of the Management of Bank of Baroda was justified in withdrawing the Assistant Head Cashier's allowance Rai Bareilly Main Branch? If not to what relief is the workmen entitled?"

1. In this case dates 21-8-91, 20-9-91, 15-11-91 and 20-12-91 were fixed for filing of the statement of claim on behalf of the Union but till 7-2-92 no statement of claim was filed. It thus becomes evident that dispute availing of sufficient opportunities, the Union is not interested in prosecuting the case.

2. In the circumstances of the case a no claim award is given against the Union/Workman.

ARJAN DEV, Presiding Officer

नई दिल्ली, 29 अप्रैल, 1992

क्र. भा. 1311:—औद्योगिक विवाद अधिनियम, 1947 (1947 की 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बोलिवीर औद्योगिक ग्राम्य बैंक के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निविष्ट औद्योगिक विवाद में औद्योगिक अधिकरण उड़ीसा बुलनेश्वर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-4-92 को प्राप्त हुआ था।

[संख्या एल-12012/14/90-आई आर डी-I/डी-III]

सुभाष चन्द्र शर्मा, डेस्क अधिकारी

New Delhi, the 29th April, 1992

FORM 'H'

S.O. 1311.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Orissa Bhubaneswar, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bolangir Anchalik Gramya Bank and their workmen which was received by the Central Government on the 28-4-92.

[No. L-12012/14/90-IR (B-III)]
S. C. SHARMA, Desk Officer

ANNEXURE

INDUSTRIAL TRIBUNAL, ORISSA, BHUBANESWAR

PRESENT :

Shri R. K. Dash, LL.B.,
Presiding Officer,
Industrial Tribunal
Orissa, Bhubaneswar.

Industrial Disputes Case No. 24 of 1990 (Central)
Dated, Bhubaneswar, the 15th April, 1992

BETWEEN

The Management of Bolangir Anchalik Gramya Bank,
At/P.O./Dist : Bolangir.

—First Party-management.

(AND)

Their workmen represented through,
Bolangir Anchalik Gramya Bank Employees,
Association,

C/o Bolangir Anchalik Gramya Bank, Bolangir,

—Second Party-Workmen.

APPEARANCES :

Shri G. Dash, Officer of the Bolangir Anchalika Gramya Bank—For the first Party-Management.

Sri S. Pradhan, President of the Association.—For the second party workmen.

AWARD

The Government of India in the Ministry of Labour is exercise of powers conferred upon them by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) and by their order dated 18-6-1990 have referred the following dispute for adjudication by this Tribunal :—

“Whether the action of the management of Bolangir Anchalik Gramya Bank by not regularising temporary mazdoors working against regular posts as per NABARD norms, and by not giving same and similar wages to that of messengers to the casual workers-cum-messengers, is justified? If not, to what relief the workmen concerned are entitled to?”

2. This case was posted to 11-2-92 either for filing settlement or for hearing. On that day representatives of both parties submitted that they have already settled the dispute out of court in the interest of industrial peace and harmony and prayed to pass an award in terms of the settlement. The terms of the settlement are read over and explained to the parties to which they admit to be true and correct. The settlement appears to be fair and is accepted. Hence, I pass this award in terms of the settlement which do form part of the Award.

Dictated & corrected by me.

P. K. DASH, Presiding Officer
Industrial Tribunal

FORM FOR THE MEMORANDUM OF SETTLEMENT
NAME OF THE PARTIES :

Representing Employer(s)

1. Shri P. P. Mohapatra, Chairman.
2. Shri T. P. V. Ramana, General Manager.
3. Shri C. S. Purohit, Officer-in-Charge, Personnel Section.
4. Shri M. M. Pattnaik, Manager Inspection & Audit Department, (Observer) Bolangir Anchalik Gramya Bank, Bolangir.

Representing Workmen :

1. Shri S. Pradhan, President.
2. Shri S. K. Hota, Secretary, Bolangir Anchalik Gramya Bank, Employees's Association.
3. Shri S. Dash, President, All Orissa Bank Employees' Federation.

SHORT RECITAL OF THE CASE :

The Government of India, Ministry of Labour, New Delhi vide its Order No. L-12012/14/90-IR (B-I/B-III) dated the June 1990 had referred the Industrial Dispute between the management of Bolangir Anchalik Gramya Bank and their workmen to the Industrial Tribunal, Bhubaneswar for adjudication, as per scheduled below :

SCHEDULE

“Whether the action of the Management of Bolangir Anchalik Gramya Bank by not regularising temporary Mazdoors working against regular posts as per NABARD/Government of India norms and by not giving same and similar wages to that of messengers. 18th June 1990 had referred the Industrial Dispute between the If not, to what relief the workmen concerned are entitled to?”

TERMS OF SETTLEMENT

During the adjudication of the said dispute before the Industrial Tribunal(C), Bhubaneswar, vide I.D. case No. 24/90 (c), the Management of Bolangir Anchalik Gramya Bank and the Bolangir Anchalik Gramya Bank Employees' Association in joint petition before the Tribunal prayed for settlement of disputes by Bilateral negotiations. In consequence thereof both the parties held discussions on the 9th January, 1992 at the Head Office of Bolangir Anchalik Gramya Bank and the terms of the agreement are as follows :

- (i) The management of Bolangir Anchalik Gramya Bank has regularised 68 existing part-time daily waged messengers, i.e. temporary mazdoors as per existing NABARD norms w.e.f the date of joining in the office/branch in terms of their Circular No. 28 of 1991 dated the 6th October, 1991 (Annexure-I).
- (ii) The Management agrees to examine the question of paying the medical allowance for 1 year to the 68 daily waged messengers made permanent as per Annexure II for the period prior to their regularisation.
- (iii) The remaining part time messengers, viz., casual workers-cum-messengers are being paid wages on pro-rata daily basis @1/30th of total monthly emolument of the junior most permanent employees is that cadre w.e.f. 6th October, 1991.
- (iv) The request for payment of wages from the 1th December, 1986 on the aforesaid basis to those Temporary part-time messengers who have not been paid wages on similar lines will also be considered after collecting necessary data from the branches// offices.
- (v) The management will also examine the feasibility of extending the benefit of medical facilities and Provident Fund to the temporary staff after getting

necessary clarification from NABARD/Sponsor Bank.

In view of the aforesaid understanding/agreement the said Industrial Dispute referred to the Hon'ble Tribunal stands amicably resolved. Both the parties pray the Hon'ble Tribunal to consider the said Agreement and pass Award accordingly.

Witnesses

1. Sd/- Illegible

2. Sd/- Illegible

Signature of Parties

For Bolangir Anchalik Gramya Bank.

1. Chairman

2. General Manager

3. Office-in-charge
Personnel Section

Sd/- Illegible

4. Sri M. M. Patnaik, Manager.

Sd/- Illegible

Internal Audit & Inspection Department, (Observer)

For Bolangir Anchalik,

Gramya Bank Employees' Association :

Sd/- Illegible

1. President CAOBEF (Authorised representative)

Of President BAGBEA

Sd/- Illegible

2. President B.A. GBEA

Sd/- Illegible

3. General Secretary, BAGBEA.

Sd/- Illegible

ANNEXURE-I

STAFF CIRCULAR NO. 28 OF 1991

BOLANGIR ANCHALIK GRAMYA BANK PERSONNEL SECTION, HEAD OFFICE, BOLANGIR

Dated, the 6th October, 1991

STAFF-MISCELLANEOUS TEMPORARY APPOINTMENTS IN SUBORDINATE CADRE IN THE BANK

Please refer to our Staff Circular No. 13 of 1991.

2. It is observed with concern that the Branch Managers/Controllers are invariably resorting to temporary appointments in subordinate cadre for indefinite periods and/or on adhoc basis without either obtaining prior approval from Head Office on following the set norms or guidelines. As a result, a good number of temporary employees have claimed eligibility for permanent appointment in the Bank although no such vacancies either exists or likely to arise in the near future. This has caused considerable embarrassment to all concerned as the Government of India, NABARD etc. have expressed their dissatisfaction over the manner in which the matter has been treated in the past.

3. We have, therefore, examined the various facets of the issues and detail hereunder, in brief, by way of reiterating the salient features of the guidelines regarding temporary appointments in subordinate cadre in the Bank :—

- Branches with preceeding accounting year-end aggregate outstanding business of Rs. 30 lakhs and above also are deemed to have been sanctioned/ permitted to have one full-time permanent Sweeper-cum-Waterboy-cum-Messenger only. Likewise, Controlling Offices and Head Office are permitted to have one and three such permanent employees respectively. No Branch can have more than one permanent or temporary/part-time subordinate cadre employee on its roll.
- Branches with less than Rs. 30 lakhs year-end aggregate outstanding business may have one temporary or part-time Sweeper-cum-Waterboy-cum-Messenger only and the wages thereof be determined on prorata basis depending upon the actual number of hours per day they are engaged as such.
- No temporary appointment (including engaging of casual labour) should be made at branches and/or Administrative Offices.
- The discretion if any of the branch managers and/or District Coordinators in this regard is withdrawn with immediate effect.

(e) As it should be possible for branches/controlling offices to carry on the day to day work without appointing any substitute in temporary vacancy, the routine operational difficulties may be tackled by proper regulation or enforcement of leave rules as also redeployment/redistribution of staff/duties.

(f) At offices/centres where it becomes absolutely essential for efficient running of office, temporary appointment may be made (from out of the panel available at head Office) in strict conformity with the existing norms and with the prior permission from Head Office. Accordingly, at offices where the sanctioned strength of permanent messengers with combined designation is 2 or less, man to man replacement may be permitted. Where, however, the sanctioned strength is 3 and above but not more than say 5 or 6, one substitute may be permitted for 2 temporary vacancies only. If prior reference for making temporary appointment is not possible due to justifiable/compelling circumstances, each case of temporary appointment should be referred in writing by the branch manager to the Controller for obtaining post facto approval from Head Office.

(g) In all cases referred to in (f) above, the appointment letter should specify the period of temporary appointment and other terms and conditions relating thereto.

(h) Under no circumstances, the period of temporary appointment to a particular candidate should be allowed to exceed 200 days in an year i.e. 12 calendar months. Care should, however, be taken to ensure that no such appointment is given to a candidate for more than 89 days in a calendar year.

(i) No functionary other than the Chairman/General Manager is authorised to sanction temporary appointment against a permanent vacancy caused due to retirement, death, promotion, transfer etc. To avoid resorting to temporary appointments in such circumstances, recruitment process for filling such vacancies will be undertaken by Head Office as and when occasion arises.

(j) Temporary appointments as relief arrangements should be made/authorised strictly in accordance with the extant instructions. Any departure made will be viewed seriously and the officials found negligent in observance of the instructions will be proceeded against departmentally.

(k) Temporary appointments if any, to be made in future should be made by undergoing all the formalities necessary for permanent appointment including the eligibility criteria regarding age, educational qualification caste etc.

(l) Candidates belonging to Schedule Caste, Schedule Tribe and/or Ex-Servicemen alone should be considered for such temporary appointments. In other words, no candidate belonging to General category or Upper class should hereafter be appointed.

(m) Internal Inspectors, Controllers and/or other functionaries from Head Office, during their visit to branches/offices, should verify and satisfy themselves by making a reference to relevant records that the temporary appointments, wherever made, have the prior/facto approval of Head Office, are in conformity with the existing instructions and that the requirements of appointment letter have been complied with in each case in the required manner. Deviation if any, should immediately be brought to the notice of the concerned Controller/Head Office.

(n) Candidates appointed on temporary basis during the period 9-10-84 and 31-3-90 may be allowed to continue in their existing capacity for the time being provided, they are rendering satisfactory service. It should, however, be made clear to them in writing that their services will be deployed elsewhere in due course.

(o) Particulars of candidates (V.z. name, educational qualification, total number of days engaged etc.) appointed on temporary basis on or after 1st April 1990 but before 30th September 1991 should immediately be advised to Head Office for our examination/review for their continuation or otherwise in the Bank. In case, the particulars are not received by us latest by 31st October 1991, it will be presumed that the branches/offices do not have any such candidates on their rolls.

(p) Wages for the temporary employees may henceforth be paid by debit to Charges Account-Sundries on prorata basis @ 1/30th of the total monthly emoluments of a Junior most permanent employee in that cadre.

(q) No salary or wage should be paid for Sundays or holidays to any daily waged temporary employee in the subordinate cadre.

(r) Candidates declared in eligible for absorption in permanent vacancy by the Interview Committee should not be allowed to continue even in temporary vacancies. Their services should, therefore, be terminated soon after receiving instructions to that effect from Head Office.

4. Branch Managers/Controllers will please arrange accordingly, bring the contents of this Circular to the notice of all permanent members of staff and also make a suitable note on our Circular under reference.

(T.P.V. RAMANA)
GENERAL MANAGER.

INDEX AS UNDER

S.—Staff-Miscellaneous, Temporary appointments in subordinate cadre in the Bank.

T.—Temporary appointments in subordinate cadre in the Bank, Staff-Miscellaneous.

ANNEXURE-II

NOTICE

List of Candidates selected for appointment as permanent sweeper-cum - waterboy - cum - Messenger/Messenger-cum-Watchman subject to Satisfactory Medical and Police Reports

Serial No.	Name	Branch/Office from where the candidate has appeared for the test
1	2	3

Sarvashri :

1. Radheshyam Pradhan	Jharmunda
2. Dhruba Saraf	Agalpur
3. Tapeswar Sahoo	Bhainsa
4. Patitapabana Dash	Sukha
5. Raghunath Behera	Chudapali
6. Sripati Behera	Dhandamunda
7. Rabi Chandra Pradhan	Bileisarda
8. Laba Muduli	Menda
9. Simanchala Rana	Kholan
10. Debraj Sahu	Chandanbhati
11. Prahallad Bhoi	Sindhekela

1	2	3
12. Sovakara Karmi		Bairsar
13. Sapneswar Mishra		Subalaya
14. Lekru Seth		Tikirapara
15. Gopabandhu Pradhan		Jaloi
16. Duryodhan Bagh		Lachhipur
17. Trilochan Mohapatra		Bandhpara
18. Santosh Kumar Pattnaik		Dhumabhata
19. Karitka Mahar		Muribahal
20. Panalal Padhan		Head Office
21. Seshadev Seth		Head Office
22. Satrugana Sahu		Head Office
23. Jang Bahadur Thapa		Head Office
24. Dan Bahadur Thapa		Head Office
25. Mohan Banchhor		Head Office
26. Gagan Barik		D.C. Office (Bgr)
27. Sim Rama Rao		Laida
28. Duryodhan Dash		Bargarh
29. Prabhakara Sahu		Garposh
30. Maheswar Mallik		Sahaspur
31. Brahmananda Nayak		Mandosil
32. Jagannath Behera		Kathdera
33. Subash Chandra Samal		Charmal
34. Suraj Kumar Lama		Bhukta
35. Bhawani Shankar Pattnaik		Sason
36. Satya Narayan Padhan		Fasimal
37. Jaya Kumar Moharana		Kadobahal
38. Dhanurjaya Pattnaik		Uruduna
39. Kapila Charan Rout		Dhanupali
40. K. Surya Rao		Jagdulpur
41. Narayana Behera		Thuapali
42. Bivishana Baghar		Babubandh
43. Arabinda Gahir		Rusuda
44. Alekh Sandh		Barpali
45. Jagannath Mohapatra		Deogaon (SBP)
46. Bandhram Behera		Deogarh
47. Subash Kumar Behera		Jujomura
48. Purusattam Pradhan		Kantapali
49. Dasamu Bachha		Gaisilet
50. Laxman Kumar Pradhan		Kalla
51. Sudarshan luha		Luhurachati
52. Kartika Hansa		Paikmal
53. Purna Chandra Tripathy		Kundakhai
54. Lingaraj Bagh		Sakhipada
55. Siba Pujan Gupta		Kansar
56. Jaga Bandhu Bhoi		Budhapal
57. Nanda Kishor Saraf		Jamala
58. Govind Chandra Singh		Jharbandh
59. B. Narasingha Rao		Rairakhole
60. Surendra Barik		Padiabhal
61. Dutiananda Sahu		Ghess
62. Samad Khan		Batgaon
63. Kailash Bihari Bagh		Lakhanpur
64. Baldev Jued		Jhirlapai
65. Sachidananda Singh Thakur		Kolabira
66. Dilip Naik		Rajpur
67. Tapan Kumar Behera		Laikera
68. Bisweswar Kharsel		Bagdidi

नई दिल्ली, 7 मई, 1992

का.आ. 1312 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) का धारा 17 के अनुसरण में, केन्द्रिय सरकार, मै. बा. सो. सो. एल. का जाल गौरा कोलियरा, क्षेत्र सं. 11 भोवरा के प्रबन्ध तंत्र के संबद्ध निरीक्षकों और उनके कर्मचारों के बीच, अनुबन्ध में निदिष्ट औद्योगिक विवाद में केन्द्रिय सरकार औद्योगिक आधिकरण सं. 2, धनबाद के पंचाट को प्रकाशित करता है, जो केन्द्रिय सरकार को 29-4-92 को प्राप्त हुआ था।

[संख्या एल-24012/216/86-डो-4(बी)]

एस.सा. शर्मा, डेस्क अधिकारी

New Delhi, the 7th May, 1992

S.O. 1312.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal (No. 2), Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Jealgora Colly. of Bhowra Area No. XI of BCCL and their workmen, which was received by the Central Government on 29-4-92.

[No. L-24012/216/86.D.IV(B)]

S. C. SHARMA, Desk Officer.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD PRESENT

Shri B. RAM

Presiding Officer

In the matter of an industrial dispute under Section 10(1)d of the I.D. Act, 1947.

Reference No. 252 of 1987

PARTIES :

Employers in relation to the management of Jealgora Colliery of Bhowra Area No. XI of BCCL and their workmen.

APPEARANCES :

On behalf of the workmen : Shri Surendra Pandey the concerned workman himself.

On behalf of the employers : Shri R. S. Murthy, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dhanbad, the 23rd April, 1992

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1) (d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-24012(216)/86-D.IV(B), dated, the 24th August, 1987.

SCHEDULE

“Whether the action of the Management of Jealgora Colliery of M/s B.C.C. Ltd., P.O. Jeal-

gora, Dist. Dhanbad in not regularising Sri Surendra Pandey, Electrical Foreman in Tech. Grade-A is justified? If not, to what relief the workman is entitled?”

2. In this case none of the parties filed their respective W.S. Subsequently on the next date fixed both the parties appeared before me and filed a Joint Compromise Petition under their signature. I heard both the parties on the said petition of compromise and so find that the terms contained therein are fair, proper and beneficial to both of them. Accordingly I accept the same and pass an Award in terms thereof which forms part of the Award as Annexure.

B. RAM, Presiding Officer.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, DHANBAD

In the matter of reference No. 252/87 arising out of Labour Ministry's Order No. L-24012(216)/86-D-IV (B) dated 24-8-1987.

PARTIES :

Employers in relation to the Management of Jealgora Colliery of Bhowra Area No. XI of Bharat Coking Coal Ltd., P.O. Jealgora, Distt. Dhanbad.

AND

Their workmen.

Joint Compromise Petition of the Employers and the Workmen.

The above mentioned Employers and the Workmen/Sponsoring Union most respectfully beg to submit jointly as follows :—

(1) That the Employers and the Workmen/Sponsoring Union have jointly negotiated the matter covered by the above Reference, with a view to arriving at an amicable and mutually acceptable settlement.

(2) That as a result of such negotiation, the Employers and the Workmen/Sponsoring Union have agreed to settle the matter covered by the above Reference on the following terms and conditions :—

(a) It is agreed that since the workman concerned Shri Surendra Pandey, Foreman (E&M) was dismissed from service w.e.f. 20-2-87 for unauthorised occupation of quarter of the Management and he was subsequently allowed to resume duty after he vacated the quarter in question, he will have continuity of service (without payment of any back wages) and his seniority will be restored vis-a-vis 2 other Foremen (E&M) viz. namely Shri R. R. Roy and Nizamuddin and his position will be above the other 2 Foremen (E&M) in question.

(b) It is agreed that the Management shall now consider the case of the workman concerned Shri Surendra Pandey for selection for promotion to the post of Foreman in-charge in Technical and

Supervisory Gr. 'A' as per the promotion rules framed by the J.B.C.C.I. for this category of employees and the criteria laid down therein and if Shri Surendra Pandey is selected and promoted to the post of Foreman in-charge in Technical and Supervisory Gr. 'A', he will have notional seniority and notional pay fixation from the date his juniors namely S/Shri R. R. Roy and Nizamuddin were promoted to such posts but he will receive the financial benefit of the promotion from 1st July, 1990 only.

(c) It is agreed that this is an over-all settlements in respect of all the claims of the workman concerned and the Sponsoring Union arising out of the above Reference.

(3) That the Employers and the Workmen Sponsoring Union hereby jointly declare and confirm that they consider the above terms of settlement are just, fair and reasonable to both the parties.

In view of the above, the Employers and the Workmen Sponsoring Union jointly pray that the Hon'ble Tribunal may be pleased to accept this Joint Compromise Petition and dispose of the above Reference by giving an Award in terms thereof.

G. D. Pandey,
Vice-President,
Rashtriya Colliery Mazdoor Sangh,
for and on behalf of workman.
Surendra Pandey,
Workman concerned.

Agent,
Jealgora Colliery,
Bharat Coking Coal Ltd.
for and on behalf
of Employers.
Bhagwan Prasad,
Dy. Chief Personnel Manager,
Bhowra Area, B.C.C.L.,
for and on behalf
of Employers.
RAL. S. MURTHY, Advocate.
for Employers.

नई दिल्ली, 7 मई, 1992

का. प्रा. 1313 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मै. भारत कोकिंग कोल लि., का बरोरा क्षेत्र सं. 1 के प्रबन्ध तंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुवृद्ध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 2), धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-4-92 को प्राप्त हुआ था।

[संख्या एल-20012/253/83-डी-3(ए)
एस. सी. श्री. देवक अधिकारी

New Delhi, the 7th May, 1992

S.O. 1313.--In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, (No. 2) Dhabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Barora Area (No. 1) of M/s. BCCL Ltd. and their workmen, which was received by the Central Government on 28-4-92.

[No. L-20012(253)/83.D.III(A)]
S. C. SHARMA, Desk Officer.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD PRESENT

Shri B. Ram,
Presiding Officer

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947.

Reference No. 8 of 1988

PARTIES :

Employers in relation to the management of Barora Area No. I of Messrs. Bharat Coking Coal Limited, Post Office Nawagarh, Dist. Dhanbad.

APPEARANCES :

On behalf of the workmen : Shri S. Bose, Secretary, R.C.M.S.

On behalf of the employers : Shri B. Joshi, Advocate.
State : Bihar.

Industry : Coal

Dhanbad the 13th April, 1992

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 had referred the following dispute to the then Central Govt. Industrial Tribunal No. 3, at Dhanbad vide Ministry's Order No. L-20012(253)/83-D.III(A), dated, the 7th January, 1984, and the reference was registered there as Ref. No. 4/84. Subsequently vide Ministry's Order No. S-11025/7/87-D.IV(B), dated, the 31st December, 1987 the said reference was transferred to this Tribunal and the same is registered have as Ref. No. 8 of 1988.

SCHEDULE

"Whether the action of the management of Barora Area No. I of Messrs. Bharat Coking Coal Limited in dismissing the workman, Shri Priya Ranjan Lala, Sales Supervisor from service with effect from 14-10-1977 is justified? If not, to what relief is the workman entitled?"

2. Admittedly, the concerned workman namely Shri Priya Ranjan Lala was working as Sales Supervisor who was posted in Barora Area No. I. He was taken ill and submitted a sick application on 18-3-77. It is stated that without any rhyme or reason he was issued with a chargesheet and immediately put under suspension and subsequently without holding any enquiry he was dismissed from service with effect from 14-10-77. It was stated on behalf of the workmen that he had been a victim of conspiracy by unscrupulous person both inside and outside the management in the racket prevailing in the Sales department of the management and that the higher management officials of BCCL are simply silent spectator for reasons best known to them. After dismissal he approached the authorities but it did not yield any result and ultimately he had raised an industrial dispute before the ALC (C), Dhanbad which ended in failure giving rise to the present reference. The workman had prayed that he be reinstated to the post of Sales Supervisor with full back wages and all other emoluments.

3. The management has filed separate W.S. and stated that Shri Lala was dismissed from the service as a measure of punishment for commission of misconduct of serious nature under Model Standing Orders applicable to the establishment.

4. Taking legal objection it has been submitted that this Tribunal has got no jurisdiction to hear this reference for the reasons that the concerned workman was not an employee of the mine and his duties were not connected with incidental to the mining operations. His duties related to supervision of Coal sales and it is incidental matters and in this way it is stated that he was not a workman within the meaning of Section 2(s) of the I.D. Act. It was further stated that he was supervisor performing duties of supervision control and management over the sales department drawing salary for more than Rs. 500/- per month.

5. It was stated that the concerned workman abused his supervisory Officer namely Shri V. P. Singh Sales Executive of the Area No. I in a very vulgar and indecent words and also threatened to assault him on 24-3-77 when he was asked to produce his medical certificate in support of his application for grant of sick leave. On account of this indecent behaviour he was issued chargesheet dated 26-3-77 and was also put under suspension. A domestic enquiry was held and in spite of several opportunities given to the concerned workman he did not attend the enquiry and hence it was held *ex parte* and reports submitted on 26-5-77 holding the concerned workman guilty of the misconduct. Under the circumstances it has been stated that the concerned workman is not entitled to any relief.

6. First of all I would like to deal with the legal aspect of the matter as to whether this Tribunal has got any jurisdiction over the matter or not. It has been urged on behalf of the management that the concerned workman in the capacity of Supervisor has been performing duties of Supervision, control and management of the Sales department and was drawing wages more than Rs. 500 per month and therefore he was not a workman. The word "Workmen" has been defined under Section 2(s) of the I.D. Act. Again sub-clause (iv) of Section 2(s) says that the definition

does not include a person who being employed in a supervisory capacity, draws wages exceeding one thousand six hundred rupees per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature. At this stage I would like to deal with the evidence of WW-1. He has stated that in the year 1977 he was getting basic pay of Rs. 600 and odd per month. He further stated that his main function as Sales Supervisor was to supervise the demurrage of the Railways. Normally the coal is to be loaded in the railway wagon within 5 hours otherwise demurrage will be charged. Thus from the evidence it is manifest that the management, control and supervision of Sales department was not with the concerned workman. Supervision was mainly confined to the demurrage of the Railway and apart from that there is nothing to show that he was getting gross amount exceeding Rs. 1600 per month. For these reasons I am to hold that he was a workman within the meaning of Section 2(s) of the I.D. Act and therefore this Tribunal has got jurisdiction to decide the reference.

7. Now let us examine as to whether the concerned workman had committed any misconduct as alleged in the chargesheet. It is alleged on behalf of the management that there was a domestic enquiry and the fairness of which was decided as preliminary issue. From the ordersheet I find that the fairness of the domestic enquiry was held to be void being *ex parte* and the management was given opportunity to adduce oral evidence to establish the charge against the concerned workman. In the chargesheet dated 26-3-77 (Ext. M-1) it is stated that the concerned workman while on duty on 24-3-77 was advised by Shri V. P. Singh Sales Executive to submit medical certificate in support of his sick leave application dated 18-3-77 as desired by the Administrative Officer to which the concerned workman became furious, abused and threatened to assault Shri Singh. He used abusive language as follows:—

"Bahanchod, Sala, Suar Ka bacha yeha se nikloge to tumko juta se marenge etc. etc."

The said act of the concerned workman amounted to misconduct as fighting, riotous, disorderly or indecent behaviour while on duty at the place of work and accordingly he was chargesheeted.

8. In order to prove the charge the management has examined Shri V. P. Singh as MW-1. It is he who had alleged to have been abused and threatened by the concerned workman with dire consequences. It was canvassed that the workman cannot be punished on the sole testimony of the man concerned. No other persons of the management has been examined though the occurrence was alleged to have taken place in broad daylight. WW-1 has stated that there were three rooms in the Sales department and one room out of the three was occupied by Shri V. P. Singh Sales Executive and two clerks. However, this has been in broad daylight WW-1 has stated that there were three the concerned workman. Thus there is nothing very specific to show that at the time of occurrence there were some other persons besides Shri V. P. Singh the victim of abuse and threats. Naturally the management examined only Shri V. P. Singh who was admittedly the immediate controlling officer of the concerned

workman. It may be mentioned that the charges can be proved even by the solitary witness if it is found that the witness stood the test of cross-examination. MW-1 has stated in his evidence that he was sitting in the chamber when he called Shri Lala who had applied for sick leave. As directed by the Administrative Officer he asked the concerned workman to file Medical Certificate but Shri Lala hurled filthy languages upon him and used unparliamentary languages as set out in the chargesheet. He was also threatened to be beaten by shoe on his coming out from the office.

9. It may be said that the witness MW-1 was highly interested person and sole testimony without any corroboration cannot be made a base to hold the concerned workman guilty of the charges. It may be mentioned that the Sales Executive (MW-1) holds responsible post and normally it is never expected rather never to be believed that he will get his character and image assassinated by stating that he was abused in filthy language by the Sales Supervisor. Definitely the concerned workman as alleged had given out threat of beating Shri Singh with shoe which was not translated into action anytime thereafter nor any such attempt was taken. I think that was not very much necessary and the threats are seldom implemented. Besides this the incident as alleged was not very serious which could have goaded the concerned workman to take any drastic step.

10. WW-1 has stated that he had applied for one day sick leave. According to him he was entitled for casual and sick leave but for one day sick leave no medical certificate was required. It is the case of the management that V. P. Singh, Sales Executive was demanding medical certificate from the concerned workman for one day sick leave. I find that no circular has been filed to show that no medical certificate was required for one day sick leave. In cross-examination the concerned workman has denied his knowledge about any such circular. Admittedly no medical certificate was filed by the concerned workman as advised by Shri V. P. Singh and in the given circumstances that would have led to some altercation which the workman appears to have purposely concealed. The concerned workman has denied to have abused and threatened the Sales Executive but the circumstances as discussed above coupled with the evidence of MW-1 taken together will amply prove that the concerned workman committed misconduct as alleged in the chargesheet. So I am to hold that he was guilty of the misconduct.

11. The next question for consideration is as to whether the act of misconduct was such as to inflict the punishment of dismissal from the service. The learned counsel for the management urged that control and supervision will have no effect if such misconducts are allowed to persist and go unabated in the Coal industry. I think the dismissal is the last and highest punishment which the management can inflict against a workman. The nature of the misconduct, in my opinion, was not so serious to award such punishment. I think non-payment of backwages will meet the ends of justice, because the concerned workman is out of job since 14-10-77. In the circumstances the punishment of dismissal is reduced to reinstatement without any back wages. However, continuity of service of the concerned workman will be maintained. The management is therefore directed to reinstate the

concerned workman in his original job within one month from the date of publication of the Award.

Sd/-

B. RAM, Presiding Officer

नई दिल्ली, 7 मई, 1992

का.सा. 1314 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. इंडियन आयरन एण्ड स्टील कं. लि. की चाननाला कोलियरी के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 2) धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार की 29-4-92 को प्राप्त हुआ था।

[संख्या एल-20012/116/86-डी-3(ए)]

एस. सी. शर्मा, डेस्क अधिकारी

New Delhi, the 7th May, 1992

S.O. 1314.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, (No. 2), Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Chasnalla Colly. of M/s. Indian Iron & Steel Co. Ltd. and their workmen, which was received by the Central Government on 29-4-92.

[No. L-20012(116)/86-D.III(A)]

S. C. SHARMA, Desk Officer.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (NO. 2) AT
DHANBAD

Present

Shri B. Ram,

Presiding Officer

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act., 1947.

Reference No. 269 of 1986

Parties :

Employers in relation to the management of Chasnalla Colliery of Messrs. Indian Iron and Steel Company Limited and their workmen.

Appearances :

On behalf of the employers : Shri R.S. Murthy,
Advocate.

On behalf of the workmen : None.

State : Bihar.

Industry : Coal.

Dated, Dhanbad, the 23rd April, 1992.

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section

10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/116/86-D.III(A) dated, the 30th July, 1986.

SCHEDULE

"Whether the demand of Bihar Mines Lal Jhanda Mazdoor Union that the management of Chasnalla Colliery of M/s. Indian Iron & Steel Company Limited should pay to their workmen whose names are given below, underground allowance as per the National Coal Wages Agreement is justified? If so, to what relief are these workmen entitled?"

1. Shri Haradhan Hari
2. Shri Mukhlal Hari
3. Shri Nageswar Hari
4. Shri Jagdish Hari
5. Shri Sarat Hari
6. Shri Ganesh Bansphore
7. Shri Kanchan Balmiki
8. Shri Lilaram Balmiki
9. Shri Deepchand Balmiki
10. Shri Kanchanlal Balmiki
11. Shri Mohan Balmiki
12. Shri Gopal Hari
13. Shri Gulab Balmiki
14. Shri Dhanaram Balmiki
15. Shri Sukhdeo Balmiki
16. Shri Mahabir Balmiki
17. Shri Sahadeo Hari
18. Shri Raju Hari
19. Shri Suresh Balmiki
20. Shri Passalal Balmiki
21. Shri Baramchand Balmiki
22. Shri Prakash Balmiki and
23. Shri Kalipado Hari.

2. This reference is pending since long for evidence on behalf of the workmen. I find that Shri R.S. Murthy, Advocate for the management has already been doing pairvi but seldom appeared anybody on behalf of the workmen. From the records I find that one Shri J.D. Lall, Advocate had appeared on behalf of the workmen in the beginning and his last appearance was in the month of June, 1989 and since then no pairvi has been made on behalf of the workmen although registered notices seemed to have been issued twice. This is suggestive of the fact that the workmen have got no interest. As per schedule to the order of reference it was for the union namely the Bihar Mines Lal Jhanda Mazdoor Union to adduce evidence first. Since then the union has already lost interest with the reference so I have no option but to pass a 'No dispute' Award in this reference.

B. RAM, Presiding Officer

नई दिल्ली, 7 मई, 1992

का. अ. 1315.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मेसर्स भारत कोकिंग कोल लि. की कारगली कोलियरी के प्रबन्धन से संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (सं. 1), धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-4-92 को प्राप्त हुआ था।

[फाइल संख्या एल-20012(124)/88 आई. धार. (कोल-1)]

एस. सी. शर्मा, डेस्क अधिकारी

New Delhi, the 7th May, 1992

S.O. 1315.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, (No. 1), Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Kargali Colly. of M/s. Bharat Coking Coal Ltd. and their workmen, which was received by the Central Government on 28-4-92

[No. L-20012(124)/88.IR.(Coal-I)]

S.C. SHARMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 73 of 1989

PARTIES :

Employers in relation to the management of Kargali Colliery of M/s B.C.C. Ltd.

AND

Their Workmen

PRESENT :

Shri S.K. Mitra, Presiding Officer.

APPEARANCES :

For the Employers.—Shri R.S. Murthy, Advocate.

For the Workmen.—Shri B. Joshi, Advocate.

Dated, the 16th April, 1992

AWARD

By Order No. L-20012(124)/88-I.R.(Coal-I), dated, the 24th June, 1989, the Central Government in the Ministry of Labour, has, in exercise of the powers conferred by clause (d) of sub-section (i) and sub-section (2-A) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of Kargali Colliery of Central Coalfields the Ltd.

P.O. Bermp. Distt. Giridih by wrong fixation of pay of Sri Md. Yusuf, Loading Inspector w.e.f. 15-11-81 and onwards is

justified? If not to what relief the workman entitled?"

2. The case of the management of Kargali Colliery of Central Coalfields Ltd., Girdih, as disclosed in the written statement-cum-rejoinder, is as follows :

The present reference is bad in law and not maintainable. The sponsoring union, has no locus standi to raise the present industrial dispute as it has no existence in Kargali colliery. Kargali colliery is one of the collieries of M/s. C.C. Ltd. Previously this company was known as National Coal Development Corporation Ltd. and its name was changed to Central Coalfields Ltd. with effect from 1-11-1975, as a result of re-organisation of Coal Industry in the Central Public Sector with effect from 1-11-75. Kargali Colliery originally belonged to Private Railway Company which was taken over about 60 years ago by the Government of India and was placed under the Railway Board. Later, it was transferred to the Department of Supply and subsequently to the Department of Production of Govt. of India, alongwith some other similar collieries. The National Coal Development Corporation was established as a Government with effect from 1-10-1956 and it was wholly financed by the Central Government. At that time Kargali colliery and ten other collieries of the Government of India which were all commonly known as State Collieries were handed over to National Coal Development Corporation. The monthly rated workers of State Collieries were governed by the Central Government pay scale till 14-8-1967 after which they were brought on to the pattern of Coal Industry's wage structure following the recommendations of the Central Wage Board for Coal Industry. As from 1-1-1975 the day structure and other service conditions of the workers of the company are governed by National Coal Wage Agreement. The workmen concerned was initially appointed in Kargali colliery as Mazdoor with effect from 17-5-1954. The management had under the C.P.C. a designation of Loading Supervisor in the pay scale of semi Clerk/Clerk Gr. III in the Second C.P.C. pay scale i.e. Rs. 105-3-135/-. The duties of this post were that of a Munshi. The workman concerned was promoted to such a post with effect from 2-1-64. The monthly rated employees of State Collieries were having entirely different pay scale i.e. Central Government pay scales as distinct from their counter-parts in the private collieries which are governed by Majumdar Award, LAT Award and the Award of Shri A. Dasgupta, Arbitrator in colliery disputes. When the Wage Board pay scales were made applicable to monthly rated employees of the management governed by the Second C.P.C. pay scale, the employees concerned were given option and their wages were fitted in the Wage Board pay scale with effect from 15-8-1967. In this connection the management entered into settlements with different trade unions. The workman concerned was fixed in the scale of pay of Rs. 180-5-230-7-265 in the clerical Grade-III which is applicable to that of a munshi with effect from 15-8-67. Subsequently he was given corresponding revised pay scale applicable to clerical grade-III-munshi with effect from 1-1-75 and 1-1-79 under NCWA-I. and 11 respectively. On the basis of recommendations of D.P.C. the concerned workman was promoted to the post

of Loading Supervisor in Kargali colliery in Technical and Supervisory Grade 'C' with effect from 15-12-81 and his pay was fixed according to the decision of J.B.C.C.I. Under NCWA-II the pay scale of Technical and Supervisory Grade 'C' was to Rs. 572-29.884-34-1008. In that pay scale his pay was fixed with effect from 15-12-1981, at the stage of Rs. 659. Prior to that he was drawing basic pay of Rs. 620 in NCWA-II pay scale of Rs. 460-16-636. The pay scale of the concerned workman was correctly fixed with effect from 15-11-81 and there is absolutely no question of wrong fixation of his pay. The demand of the union is illegal, baseless and totally untenable. The workman concerned was given subsequent increments in the NCWA-II pay scale and his pay was fixed later on in the corresponding pay scale of NCWA-III with effect from 1-1-83 and NCWA-IV with effect from 1-1-87. There is no railway siding at Kargali colliery. The entire coal produced by the colliery in being transported over the years to the nearby Kargali Coal Washery of the Central Coalfields Ltd. for beneficiation to make it suitable for use in steel plant. Coal is directly located at Kargali colliery into trucks by quarry loaders or mechanically at quarry faces. There is no underground mine. The post of Loading Inspector/Supervisors are to ensure that railway wagons are placed properly when they arrive, that the shunting of the wagon is done before and after loading in the appropriate manner that the wagons are properly loaded having regard to quality and quantity, that the wagons are loaded without any delay so that demurrage is incurred that the work done by the wagon loaders is not measured and the measurement slips given to the workers concerned, that the attendance of the workers is marked to ensure that the wagon loaders remain at their place of duty during their entire working hours, that all the formalities required in connection with the despatch of coal from the railway sidings including levelling, weighing of wagons, preparation of railway receipt are completed. The Loading Inspector is also responsible for ensuring that the slack coal is separated from steam coal and despatches are made separately. The Loading Supervisors Inspectors have to do a wide variety of jobs. The duties of the workman concerned are entirely different from those of a Loading Inspector/Supervisor. His duty is mainly clerical in nature. He is maintaining records and registers regarding production and despatch of coal (manually and mechanically ally), maintaining records of stock of coal of Kargali Colliery and sending daily production and despatch reports of coal of the office of the General Manager. Besides he has been entrusted with the duties of supply of coal to the employees for domestic consumption in different colliery and maintenance of connected records. In the circumstances, the management has submitted that the pay of the concerned workman was properly and correctly fixed and he is not entitled any relief whatsoever.

3. The case of the concerned workman as repaying from the written statement submitted by him, details apart, is as follows :

The concerned workman, Md. Yunus, was promoted from the post of Loading Supervisor to the post of Loading Inspector on the

basis of recommendations of D.P.C. by Office Order dated 15-11-1981. He joined his new post of Loading Inspector on 15-11-81 and started performing his duties as Loading Inspector from that date. The management of M/s. C. C. Ltd. were paying Clerical Grade II to Loading Clerks and Clerical Grade-I to Loading Supervisors. The Loading Inspectors were given special grade before 1-1-79. After coming into force of N.C.W.A. II with effect from 1-1-79, the management started paying Technical and Supervisory Grade 'C' instead of Clerical Grade-I which was equivalent scale to Loading Inspectors, Asstt. Loading Inspector|Asstt. Loading Superintendent and Grade 'B' instead of special grade to Loading Inspector|Loading Superintendents. After coming into force of N.C.W.A. III with effect from 1-1-1983 a cadre scheme for loading personnel was finalised by J.B.C.C.I. for the entire Coal Industry and the implementation instruction No. 38 dated 25-9-84 was issued. As per the above circular the Loading Inspector|Loading Superintendent is entitled to be paid Technical Supervisory Grade 'B'. The cadre scheme of 1984 prescribes minimum qualification of matriculation or equivalent certificate for the Asstt. Loading Clerk, Loading Clerk, Asstt. Loading Inspector, Loading Inspector and Sr. Loading Inspector. Prior to coming into force of J.B.C.C.I.'s circular on 25-9-1984 the minimum educational qualification had not been prescribed for the promotion of loading personnel from one post to the next higher post. D.P.C. was competent to decide suitability of candidates for their promotions to the next higher grade. Many workmen working in the post of Asstt. Loading Clerks, Loading Clerks Asstt. Loading Inspectors|Asstt. Loading Superintendent|Loading Supervisors, Loading Inspectors and Senior Loading Inspectors|Loading Superintendents were non-matric who were promoted on the recommendations of the D.P.C. on the basis of suitability. The then Senior Personnel Officer of Kargali Colliery committed an error and fixed the concerned workman in the scale of Rs. 572-29-804-34-1008 which was grade 'C' under N.C.W.A. II instead of Grade 'B' in the scale of Rs. 640-35-920-40-1160 due to him after his promotion to the post of Loading Inspector by letter dated 15-11-81. He made representation after completion of one year of service as Loading Inspector for his fixation in proper grade retrospectively. The management avoided to give reply and did not rectify the error. After coming into force of the cadre scheme in September, 1984, he submitted again a representation for his fixation in Grade 'B' and payment of difference of wages from 15-11-81. The management took the plea that he not having matriculation certificate was not entitled to Grade 'B'. The management has in its employment Asstt. Loading Clerks, Load-

ing Clerks, Asstt. Loading Inspector, Loading Inspector and Senior Loading Inspector why do not possess matriculation certificate. But the management cannot fix the pay of these persons in lower grade legally. The principle of equal pay for equal work is the rule of law and the management cannot alter the rule of law. Since he has been continuing as Loading Inspector since 15-11-1981 he is entitled to Technical and Supervisory Grade 'B' as per N.C.W.A. II and III.

4. In rejoinder to the written statement concerned workmen, the management has admitted that Loading Clerks have been placed in clerical Grade-II and Loading Supervisors in clerical Grade-I. But the management has denied that the Loading Inspectors were required to be given special grade before 1-1-79 or at any time prior to 25-9-84. It has been reiterated that only those Loading Inspectors who are actually discharging the duties of Loading Inspectors in railway siding and are connected with despatch of coal by rail may be required to be given higher pay scale. The concerned workman is not a matriculate and he does not fulfil qualification laid down for the post of Loading Inspector|Loading Supervisor as envisaged in the relevant Implementation Instructions issued by J.B.C.C.I.

5. In rejoinder to the written statement of the management the concerned workman has stated that the management has dwelt at length on the historical development of the colliery along with pay structures from 1954 upto 1-1-79. He was promoted to the post of Loading Supervisor with effect from 2-1-1964 but was given clerical Grade-III instead of clerical grade-I. After implementation of Wage Board Recommendations, the Loading Supervisors throughout the Coal Industry were put in clerical grade-I, but the management victimised him and did not fix his pay in clerical grade-I. This victimisation continued even after implementation of N.C.W.A.s and he was denied his proper grade by the management. He is basing his claim from 15-11-81 without entering into irrelevant facts not connected with the present industrial dispute. There is much difference between the job performed by Loading Munshi and Loading Supervisor. The Loading Munshi works under the supervision and guidance of the Loading Clerk whereas the Loading Supervisor exercises control over loading clerks and loading munshis and supervise their job. Therefore, the contention of the management that the job of Loading supervisor was the same as that of a Loading ing Munshi is absurd. He was promoted to the post of Loading Inspector from the post of loading supervisor with effect from 15-11-81 on the basis of recommendations of D.P.C. and was posted as Loading Inspector with effect from 15-11-81. His pay was fixed in Technical and Supervisory Grade 'C' instead of Grade 'B'. The existence of a post of Loading Inspector is not dependent on the existence

or non-existence of railway sidings or underground mines. It is dependent on the out-put of the mine whether open cast working or underground mining. The total out-put of coal has to be despatched through various modes of transportation, such as, railway, roads, conveyors, aerial roadways etc. and the Loading Inspector exercises control and supervision over the despatch of coal from the colliery. The management in its wisdom has sanctioned the post of Loading Inspector in Kargali colliery and promoted the concerned workman to the post of Loading Inspector. B. C. Chatterjee was a Loading Inspector, his pay was fixed in Technical and Supervisory Grade 'B' prior to the concerned workman. Throughout the industry the Loading Inspector is entitled to Grade 'B' both under N.C.W.As and as per circular of J.B.C.C.I. The Loading Inspector supervises and controls all operations connected with despatch of coal both by rail or road as well as mechanical loading or manual loading and transportation operations whether through trucks, ropeways or conveyors. Taking into consideration of the technical nature of job of a Loading Inspector, the J.B.C.C.I. has prescribed Technical and Supervisory Grade-'B' for the Loading Inspector. It has been denied that his duties at Kargali Colliery are entirely different from the duties of Loading Inspector.

6. The management, in order to sustain its action has examined only one witness MW-1 N. Prasad and laid in evidence a number of documents which have been marked Exts. W-1 to M-4.

On the other hand, the concerned workman has examined himself and laid in evidence some documents which have been marked Exts. W-1 to W-3.

7. The management has dwelt at length on the historial development regarding change of ownership and pay structure of workmen of Kargali colliery now belonging to M/s. C.C. Ltd. at different periods. This the management has done obviously to underline the real controversy raised in the present dispute. Needless to say that the union has not assailed the statements of facts in this respect as averred by the management in its pleadings.

Kargali colliery originally belonged to private railway company and it was taken over about 60 years ago by the then Government of India and was placed under Railway Board. Later it was transferred to the Department of Supply and subsequently to the Department of Production of Government of India. With the formation of N.C.D.C. a Government company wholly financed by the Central Government with effect from 1-10-1956, this colliery and ten other collieries of the Government of India which were all commonly known as State Collieries were handed over to National Coal Development Corporation. Consequent upon re-organisation of Coal Industry in the Central Public Sector with effect from 1-11-1975, Coal India Ltd. was established and M/s. C.C. Ltd. became one of its subsidiary companies. The name of Notional Coal Development Corporation was changed to M/s. Central Coalfields Ltd. with effect from 1-11-1975.

8. There is no dispute that the concerned workman Md. Yunus was initially appointed in Kargali colliery as a Mazdoor with effect from 17-5-1954. 1156 GI/92-8

It appears that the management had a designation of Loading Supervisor in the pay scale of Clerk Grade-III in C.P.C. scale and the duties of this post were that of a munshi. The concerned workman was monthly rated employee and the Wage Board pay scale were made applicable to the monthly rated employees and consequently the wage of the concerned workman was fixed in Clerical Grade-III on a scale of pay of Rs. 180-265, with effect from 15-8-1967. This scale of pay was also applicable to the munshies. Admittedly, he was given subsequently revised scale of pay applicable to Clerk Grade-III/Munshi with effect from 1-1-1975 under N.C.W.A.-I and again with effect from 1-1-1979 under N.C.W.A.II. These facts are supported by the Service-sheet of the concerned workman (Ext. M-2 and M-3).

9. Admittedly the concerned workman was promoted from the post of Loading Supervisor to the post of Loading Inspector on the basis of recommendations of D.P.C. He has claimed in his pleading that he was promoted to the post of Loading Inspector with effect from 15-11-81. He has claimed so in his testimony before this Court. But the Office Order dated 15-12-81 issued by the management promoting him to the post of Loading Inspector indicates that he was promoted to that post with effect from 15-12-81 on a scale of pay of Rs. 572-1008 under NCWA II (Ext. W-1). His service sheet also indicates that he was promoted to that post with effect from 15-12-81. (Ext. M-2). Anyway, the concerned workman has claimed that he joined the new post on the same date. This has not been dis-claimed by the management.

10. Consequent upon the promotion of the concerned workman to the post of Loading Inspector a controversy arose over his fixation of pay which has ultimately boiled down to the present industrial dispute.

As I have stated before, the concerned workman was put on a scale of pay of Rs. 572-1008 under NCWA II. This scale of pay is available to workmen working in Technical and Supervisory Grade 'C'. But as per Implementation Instruction No. 38 of JBCCI dated 25-9-84 Loading Inspectors/Loading Superintendents on promotion are required to be put in Technical and Supervisory Grade 'B' on a scale of pay of Rs. 640-1160 under NCWA II and on a scale of pay of Rs. 810-1586 under NCWA-III. It appears that the post of Loading Inspector is a post higher than Loading Supervisor. Even after his promotion to the post of Loading Inspector the concerned workman was put on a scale of pay available to Loading Supervisor i.e. Technical and Supervisory Grade 'C' instead of Technical & Supervisory Grade 'B'. The concerned workman at the time of hearing made a tall claim by stating that he was entitled to Technical and Supervisory Grade 'A' upon his promotion to the post of Loading Inspector. This claim of his is not at all sustainable because Technical and Supervisory Grade 'A' is not available to Loading Inspector as per JBCCI Implementation Instruction No. 38 dated 25-9-1984.

Shri B. Joshi, learned Advocate for the workman has contended that since the post of Loading Inspector is higher than the post of Loading Supervisor, the concerned workman is entitled to Technical and Supervisory Grade 'B' upon his promotion to the post of

Loading Inspector, but the management wrongly put him in Technical and Supervisor Grade 'C'.

Shri R. S. Murthy, learned Advocate for the management has contended that regard being had to the job performed by the concerned he was not entitled to Technical and Supervisor Grade 'B' and that he was rightly placed in Technical and Supervisor Grade 'C' regard being had to his job description.

11. Wage Board Recommendations do not envisage job description of Loading Inspector. Nomenclature, job description and categorisation of coal employees issued by JBCCS also do not envisage job description of Loading Inspector. From the pleading of the parties and evidence on record it appears that the main jobs of Loading Inspectors are (i) quality control of coal despatched by railway wagons, trucks, and stack kept at the siding, keeping liaison with the railway for supply of wagons, (ii) to ensure that railway wagons are placed properly, (iii) to ensure loading of coal into railway wagons on time to avoid demurrage and on trucks and (iv) to keep supervision over loading personnels etc.

One controversy arose as to whether Kargali colliery had a railway siding or not. The management has contended that the colliery had never a railway siding while the concerned workman has asserted that there was such railway siding upto 1979. This controversy has arisen because of the stance taken by the management that unless there exists any railway siding for the colliery there can never be a post of Loading Inspector. But this contention is not sustainable because it has been asserted by the concerned workman that B. G. Chatterjee was Loading Inspector of the colliery whose scale of pay was fixed in Technical and Supervisor Grade 'B' prior to his promotion to the post of Loading Inspector MW-1 N. Prasad, who has been working in Kargali colliery since 1982 initially as Asstt. Colliery Manager and later as Colliery manager, could not dispute this act in his testimony. He has simply stated that he does not know if B.G. Chatterjee was Loading Inspector before the concerned workman was promoted to that post and that he does not know the grade of B. G. Chatterjee and that he does not know as well if in the Area where Kargali Colliery is situated every colliery has get a post of Loading Inspector. Thus, it is evident that railway siding is not essential for existence of a post of Loading Inspector. Nevertheless the fact remains that the job description is more important than nomenclature in deciding whether a particular workman is entitled to get a certain scale of pay. It appears that the establishment of the concerned workman had only three loading personnels including himself (Ext. M-4) There is no cogent evidence to indicate that the concerned workman was exercising supervision and control over the entire loading personnel of the colliery. MW-1 N. Prasad has asserted that duty of the concerned workman was to collect despatch and production figures of the mines and to maintain records of production and despatch. He has proved one register Ext. M-1 which was maintained by the concerned workman. That the concerned workman used to maintain this register (Ext. M-1) has not been assailed. This register contains figures regarding opening stock of coal production, despatch of coal to washery and closing stock

month-wise. The concerned workman has stated that his job was not only to collect production figures from the mines and to submit the same to the Area office but also to check the coal of arrange for separation of coal from shale, stone etc. But he has admitted that he was not given written instruction by the management to go to the mine and to inspect the quality of coal by checking. His evidence regarding quality of control of coal which is one of the main functions of Loading Inspector has not been supported by any evidence oral or documentary.

12. Considering the entire evidence on record, I come to the conclusion that although the concerned workman was designated as Loading Inspector, he never performed the job of Loading Inspector. That being so, his claim for fixation of his pay in Technical and Supervisor Grade 'B' with effect from 15-11-81 is not sustainable. Consequently, it must be held that the action of the management in paying him in Technical and Supervisor Grade 'C' with effect from 15-12-81—the date when he was promoted to the post of Loading Inspector (not 15-11-81) is justified.

13. Accordingly, the following award is rendered—The action of the management of Kargali Colliery of M/s. Central Coalfields Ltd. P.O. Bremo, Dist. Giridih, in paying the concerned workman Technical and Supervisory Grade 'C' with effect from 15-12-91 is justified.

In the circumstances of the case, I award no cost.

S. K. MITRA, Presiding Officer

नई दिल्ली, 7 मई 1992

का. आ. 1316:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैसे टाटा आयरन एण्ड स्टील कं. लि. की दिग्वादीह कोलियरी के प्रबन्धन से संबद्ध निगोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 1), धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-4-92 को प्राप्त हुआ था।

[फाइल संख्या एल-20012(151) 90 आई. आर. (कोल 1)]

एस सी शर्मा, डस्क अधिकारी

New Delhi, the 7th May, 1992

S.O. 1316.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal (No. 1), Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Digwadih Colly. of Tata Iron & Steel Co. Ltd. and their workmen, which was received by the Central Government on 28-4-92.

[No. L-20012(151)|90-IR(Coal-II]

S. C. SHARMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under sec. 10(i)(d) of the Industrial Disputes Act, 1947.

Reference No. 170 of 1990

PARTIES :

Employers in relation to the management of Digwadih Colliery of M/s. TISCO, Jamadoba.

AND

Their Workmen.

PRESENT : श्री स. क. मित्रा, प्रसिद्धि अधिकारी

Shri S. K. Mitra, Presiding Officer.

APPEARANCES :

For the Employers : Shri B. Joshi, Advocate.

For the Workmen : Shri D. Mukherjee, Secretary,
Bihar Colliery Kamgar Union.

STATE : Bihar.

INDUSTRY : Coal.

Dated, the 20th April, 1992

AWARD

The present reference arises out of Order No. L-20012(151)/90-IR(Coal-I) dated 21-8-1990 passed by the Central Government in respect of an industrial dispute between the parties mentioned above. The subject matter of the dispute has been specified in the schedule to the said order and the said schedule runs as follows :

"Whether the action of the management of M/s. Tata Iron & Steel Co. Ltd., P.O. Jamadoba, Dist. Dhanbad in dismissing Sri Usman Khan and Sri Hamid Khan from service with effect from 17-2-89 and 10-3-89 respectively is justified ? If not, to what relief the workmen are entitled ?

2. The dispute has been settled out of Court. A memorandum of settlement has been filed in Court. I have gone through the terms of settlement and I find them quite fair and reasonable. There is no reason why an award should not be passed on the basis of terms and conditions laid down in the memorandum of settlement. I accept it and pass an award accordingly. The memorandum of settlement shall form part of the award.

3. Let a copy of this award be sent to the Ministry as required under section 15 of the Industrial Disputes Act, 1947.

S. K. MITRA, Presiding Officer

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I AT DHANBAD.

Reference No. 170/90

Employers in relation to the management of Digwadih Colliery of M/s. Tata Iron & Steel Co. Ltd., Jamadoba, P.O. Jamadoba, Dist. Dhanbad.

AND

Their Workmen.

It is hereby submitted —

1. That the Central Govt. vide its Notification No. L-20012(151)/90-IR (Coal-1) dated 21-8-90 has referred the following dispute for adjudication :—

SCHEDULE

"Whether the action of the management of M/s. Tata Iron & Steel Co. Ltd., P.O. Jamadoba, Dist. Dhanbad in dismissing Sri Usman Khan from service with effect from 17-2-89 and 10-3-89 respectively is justified ? If not, to what relief the workmen are entitled ?"

2. That the said dispute has been registered in the Hon'ble Tribunal as Ref. 170/1990.

3. That the said industrial dispute was raised by a non recognised union namely Bihar Colliery Kamgar Union.

4. That while the dispute was pending before the Hon'ble Tribunal, the recognised union of the management namely Rashtriya Colliery Mazdoor Sangh of which the concerned workmen are members took up the matter directly with the management for consideration of the cases of the concerned workmen.

5. That after threadbare discussion, it was mutually agreed to settle the dispute on the following terms and conditions :—

- (i) That Sri Hamid Khan, Ex. Fitter Mazdoor, T. No. 37960, Digwadih colliery will be re-employed in his original job at Digwadih colliery. He will, however, not be eligible for any back wages or other monetary benefit for the period he was under dismissal.
- (ii) That Sri Osman Khan, Ex. Pump Operator, Ex. T. No. 36474, Digwadih colliery will be eligible for payment of gratuity upto the date of his dismissal i.e. 17-2-1988 as a special case not to be cited as a precedent.
- (iii) That Sri Osman Khan will not claim his employment or revocation of his dismissal from the service of the Steel Company.
- (iv) Both Sri Hamid Khan and Osman Khan have agreed to accept the above terms and conditions which may form part of the Award and shall not agitate on any other issue anywhere thereafter.
- (v) That it has also been mutually decided that this compromise petition will be jointly filed by the concerned workmen and the management before the Hon'ble Tribunal with a prayer to pass an Award in terms of the said compromise petition.
- (vi) That the terms and conditions of the compromise petition are fair and proper.

It is, therefore, humbly submitted before the Hon'ble Tribunal to kindly pass an Award in the said dispute in terms of this compromise petition.

That the compromise petition has been signed on today i.e. 1-4-1992.

For the Management :

1. (Sd./-) Sri S. N. Pandey
Divisional Manager (P&W)
2. Sri S. N. Sinha,
Dy. Divisional Manager (P&W)
3. Sri Anwar Hashmi,
Manager (P)

For the Workmen :

1. Sri S. S. Zama,
Secretary, RCMS., Digwadih.
2. Sri Hamid Khan
3. Sri Osman Khan

LTI of Usman Khan

नई दिल्ली, 7 मई, 1992

का. आ. 1317.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैसर्स टिस्को की मलकेरा कोलियरी के प्रबन्धन के संबंध में निम्नलिखित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (सं. 2), धनबाद के पंचपट को प्रकाशित करती करती है, जो केन्द्रीय सरकार को 28-4-92 को प्राप्त हुआ था।

[संख्या एल—20012/312/86-डी-3 (ए)]

एस. सी. शर्मा, डेस्क अधिकारी

New Delhi, the 7th May, 1992

S.O. 1317.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal (No. 2), Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Malkera Colliery of M/s. TISCO Ltd. and their workmen, which was received by the Central Government on 28-4-92.

[No. L-20012(312) 86-D.III(A)]

S. C. SHARMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD PRESENT :

Shri B. Ram, Presiding Officer.

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947.

PARTIES :

REFERENCE NO. 21 OF 1987

Employers in relation to the management of Malkera Colliery of M/s. Tisco. Ltd. and their workmen.

APPEARANCES :

On behalf of the workmen : Shri J.P. Singh, Adv.

On behalf of the employers : Shri B. Joshi, Adv.

STATE : Bihar.

INDUSTRY : Coal.

Dhanbad, the 14th April, 1992

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1) (d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(312) 86-D.III(A), dated, the 8th January, 1987.

SCHEDULE

“Whether the action of the Management of Malkera Colliery of M/s. Tata Iron & Steel Company Limited in dismissing from service their workmen S/Sri Amrit Hari, Shambhu Hari, Sweepers and Laloo Hari, Category I Mazdoor in July, 1985 is justified ? If not, to what relief are these workmen entitled ?”

2. Three workmen namely Shri Amrit Hari, Shambhu Hari Sweeper and Laloo Hari, Cat. I Mazdoor were dismissed from their service in the year 1985 on account of misconduct under clause 19(1) and 19(5) of the Company's Standing Orders. At the very outset I would like to mention that the management settled with Shri Amrit Hari and Shambhu Hari and thus the present reference is confined only to Shri Laloo Hari. The concerned workman Shri Laloo Hari is an underground Cat. I Mazdoor in Malkera colliery of M/s. Tisco. Ltd. It is stated that the management issued chargesheet on hear say and motivated information and that he was illegally dismissed without any charges being proved.

3. The concerned workman claim to be on duty on the alleged date and the allegation levelled against him by Shri Saksena, Medical Officer was totally false. He denied to have made any obstruction on the road leading to Karamdhowra. He had also raised industrial dispute before the ALC (C), Dhanbad which ended in failure.

4. While giving parawise reply to the W.S. of the management the concerned workman denied to have any right and interest over the land in question and therefore there was no question of any interference from the side of concerned workmen. In rejoinder petition it is further stated that Laloo Hari had gone to the house of his relatives and so his presence at the place of occurrence was totally false.

5. The management stated that the concerned workman was Cat. I Mazdoor with effect from 2-3-78 working at Malkera colliery. It is alleged that on 3-12-84 at about 5 P.M. all the three workmen obstructed the road leading to Karamdhowra by grouting bamboos, iron rails and striding G.I. wire on the pretext that the land belonged to them and as a result whereof there was complete obstruction and the movement of the habitant of Karamdhowra was completely paralysed. Shri S.C. Saxena, Welfare Officer reached the spot and told that Plot No. 635, 636 and 911 belonged to Tisco, and he asked them to remove the obstruction but they did not listen and misbehaved with him. After that individual chargesheets were issued to all the concerned workman. They submitted their replies which were found quite unsatisfactory and there was an order for domestic enquiry. The proceedings of domestic enquiry and the report of

the Enquiry Officer were examined and the workmen were dismissed from their services with effect from 30th July, 1985.

6. The fairness of the domestic enquiry has been conceded by the learned counsel for the workmen. The main allegation against the concerned workman in the chargesheet (Ext. M-17) was that he on 3-12-84 at about 5 P.M. obstructed the road leading to Karamdhowra colony by grouting bamboos and iron rails and staking G.I. wire on the pretext that the land belonged to them. The Welfare Officer instructed them to refrain from such act as the land belonged to Tisco. Ltd. But the concerned workmen misbehaved and insulted the Welfare Officer, Malkera Colliery saying that "HAMARA JAMEEN HAI HAM KUCH BHI KAR SAKTE HAIN AAP APNA KAMM DEKHIE, NAHIN TO SAMJHA DENG JINDGI BHAR KE LIYE."

7. As alleged the above conduct of the concerned workman was misconduct under clause 19(1) and 19(5) of the Company's Standing Orders. As regards Clause 19(1) that solely relates to an act while on duty. Definitely the concerned workman was not on duty at that time. He has explained the position in his statement before the Enquiry Officer that he was in 'A' shift duty deputed to work at Cha'tudih colliery when he got information that the son of his brother-in-law has been taken ill. So after his duty he went Dharmaband to attend the ailing boy. The boy was brought to the hospital for treatment. He also stated before the Enquiry Officer that he returned home at 10 P.M. when he heard about the blockade of Karamdhowra road.

8. Now again coming back to the chargesheet we find that the major part of occurrence do not cover any misconduct under clause 19(5) of the Standing Orders. Only last portion can be bracketted as indecent behaviour. The dismissal from the services only for an act of misconduct behaviour is very harsh punishment much disproportionate to the offence.

9. The concerned workman had replied to the chargesheet. Here it may be noted that all other exhibits prior to this one relate to Shri Amrit Hari and Shambhu Hari which do not require any mention. In reply to Ext. M-18 the concerned workman did not whisper even a word about the alibi taken by him in the W.S. and the statement before the Enquiry Officer and so the presumption would be that it was of wrath and indecent behaviour by the concerned pointed question was asked as to whether he possesses any paper to show that he at the alleged hours of occurrence had gone to Dharmaband to attend the ailing son of his brother-in-law to which he replied in negative. The concerned workman did not examine his brother-in-law to assert his point and to prove the story of alibi.

10. The management has examined two witnesses to prove the occurrence and the charges against the concerned workman. Shri S.C. Saxena is the victim of wrath and indecent behaviour by the concerned workman. He has narrated in details as what happened with him when he tried to reason with the concerned workman who was insisting upon that the land belonged to him. Shri Saxena also asked him to come to the office with necessary papers so that the matter

may be sorted out but the concerned workman did not lister. Here I would like to mention that nothing has been elucidated in the cross-examination of this witness to disbelieve his credence and virtually no reason has been assigned as to why he will falsely name the concerned workman. He was knowing the concerned workman who was working at Malkera colliery. The witness has denied his knowledge as to whether the concerned workman was in 'A' shift duty or not. I think it matters little whether he was in 'A' shift duty or not because the alleged occurrence took place at 5 P.M. after duty hours.

11. Shri B. K. Verma is the Security Officer who had reached the place of occurrence on information and had seen the concerned workman calling indecent words against Shri Saxena, the Welfare Officer. The witness assertively stated that he had seen the concerned workman at the place of occurrence. From the evidence of this witness it is crystal clear that the concerned workman was present at the place of occurrence on the alleged date and time and place and he misbehaved with the Welfare Officer. In case of alibi it was for the workmen and the workman alone to prove that he was not present but in this case we find that the story of alibi has not been proved by the concerned workman. There are some other documents which may be referred in this connection Ext. M-22 is the Enquiry proceeding and the report submitted by the Enquiry Officer. Ext. M-23 is the order of dismissal. Ext. M-24 is the cyclostyled copy of the Standing Orders of the Company. Ext. M-25 to M-36 are the papers showing that Shambhu Hari and Shri Amrit Hari had filed their petition before the grievance committee Sijua Group after their dismissal which was considered in the joint grievance committee meeting held on 22-8-85 and 27-2-86. It appears that their case was considered sympathetically and were directed to be reinstated after medical test on certain conditions and primary being that they would not be given any back wages. Ext. M-37 is the photo copy of the warrant to the bailiff to give possession of the land. It was failed before the Additional Deputy Commissioner, Dhanbad vide M.R. Case No 12 of 1943 This has been filed just to show that actually Hisco, Ltd. had taken possession of the land in question and it was coming in possession in peaceful possession of the company since long. However, this paper does not carry much importance only because the concerned workman did not assert his claim over the land.

12. I have considered these aspects of the matter and I feel that the management has been able to prove charges levelled against the concerned workman Laloo Hari that he misbehaved and uttered in indecent words to the Welfare Officer which was a misconduct within the meaning of Clause 19(5) of the Company's Standing Orders. But as said above the punishment of dismissal only for indecent behaviour was definitely disproportionate to the offence charged and in the circumstances the order of dismissal is hereby set aside and it is reduced to reinstatement of the concerned workman without any back wages. Since the concerned workman remained out of employment for a long time and so the order of reinstatement without any back wages will be the ends of justice. However, the concerned workman will get the continuity of service. thus the management is directed to reinstate the con-

cerned workman in his original job without any back wages within one month from the date of publication of award with continuity of service.

This is my Award.

B. RAM, Presiding Officer

नई दिल्ली, 30 अप्रैल, 1992

का. आ. 1318:—लौह अयस्क खान, मैंगनीज अयस्क खान तथा क्रोम अयस्क खान श्रम कल्याण निधि नियमावली 1978 के नियम 3 के उप-नियम (1) के साथ पठित लौह अयस्क खान, मैंगनीज अयस्क खान तथा क्रोम अयस्क खान श्रम कल्याण निधि अधिनियम, 1976 (1976 का 61) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्द्वारा भारत के राजपत्र भाग II, खण्ड 3, उप खण्ड (ii), दिनांक 9 नवम्बर, 1991 के पृष्ठ 4351 से 4353 पर प्रकाशित भारत सरकार, श्रम मंत्रालय की अधिसूचना सं. का. आ. 2844 दिनांक 17 अक्टूबर, 1991 में निम्नलिखित संशोधन करती है, अर्थात्:

उपयुक्त अधिसूचना के क्रमांक 32 और उससे सम्बद्ध प्रविष्टि को निम्नलिखित से प्रतिस्थापित किया जाएगा:—

“श्री दिबाकर राय,
महासचिव,
क्यौंजर माइन्स एण्ड फॉरेस्ट वर्कर्स यूनियन (रेड फ्लैग)
डाकघर—बरबिल,
जिला—क्यौंजर (उड़ीसा)

[सं.यू.-23011/1/88-डब्ल्यू-II (सी)]
वी. डी. नागर, अवर सचिव

New Delhi, the 30th April, 1992

S.O. 1318—In exercise of the powers conferred by section 6 of the Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labour Welfare Fund Act, 1976 (61 of 1976), read with sub-rule (1) of rule 3 of the Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labour Welfare Fund Rules, 1978, the Central Government hereby makes the following amendment in the notification of the Government of India, in the Ministry of Labour No. S.O. 2844, dated the 17th October, 1991, published at pages 4351 to 4353 of the Gazette of India, Part II, section 3, sub-section (i), dated the 9th November, 1991, namely:—

In the said notification, for serial number 32 and the entry relating thereto, the following shall be substituted, namely:—

“32. Shri Dibakar Roy,
General Secretary,
Keonjhar Mines Forest
Workers Union (Red Flag)
P.O. Barbil,
Distt. Keonjhar (Orissa).”

[No. U-23011/1/88-W.II(C)]
V. D. NAGAR, Under Secy.

नई दिल्ली, 6 मई, 1992

का. आ. 1319:—उत्प्रवास अधिनियम, 1983 (1983 का 31) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार श्री के. शंकर, अनुभाग अधिकारी को दिनांक 31-3-92 (अमरावती) से अगला आदेश जारी होने तक उत्प्रवास संरक्षी, मद्रास के रूप में नियुक्त करती है।

[सं. ए-22012/1/92-उत्प्रवास]
आर. के. गुप्ता, अवर सचिव

New Delhi, the 6th May, 1992

S.O. 1319.—In exercise of the powers conferred by Section 3 sub-section (1) of the Emigration Act, 1983 (31 of 1983), the Central Government hereby appoints Shri K. Shankar, Section Officer as Protector of Emigrants, Madras with effect from 31-3-92 (AN) till further orders.

[No. A-22012/1/92-Emig.]
R. K. GUPTA, Under Secy.

नई दिल्ली, 8 मई, 1992

का. आ. 1320:—केन्द्रीय सरकार ने औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (क) के उपखंड (i) के अनुसरण में, श्रम मंत्रालय की तारीख 13 जून, 1990 की सरकारी अधिसूचना संख्या का. आ. 486 (अ) के तहत, खनिज तेल (अपरिष्कृत तेल), मोटर और विमानन स्पिरिट, डीजल तेल, मिट्टी का तेल, ईंधन तेल, विविध हाइड्रोकार्बन तेल और उनके समिश्रणों जिनके अंतर्गत संश्लिष्ट ईंधन, स्नेहक तेल और इसी प्रकार की वस्तुएं आती हैं, के विनिर्माण और उत्पादन में लगे उद्योगों को (जिसे इसके बाद उद्योग कहा गया है), उक्त उप-खण्ड के प्रयोजनार्थ विनिर्दिष्ट किया गया था, जिसे औद्योगिक (विकास और विनियमन) अधिनियम, 1951 (1951 का 65) की धारा 2 के अर्थानुसार 21 जून, 1990 से दो वर्ष की अवधि के लिए नियंत्रित उद्योग के रूप में घोषित किया गया था,

और केन्द्रीय सरकार को राय है कि जनहित में यह आवश्यक है कि उक्त उद्योगों को और दो वर्ष की अवधि तक नियंत्रित उद्योग के रूप में विनिर्दिष्ट करना जारी रखा जाये,

अतः अब औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (क) के उपखण्ड (1) के अनुसरण में, केन्द्रीय सरकार उक्त उद्योग को 21 जून, 1992 से और दो वर्ष की अवधि के लिए नियंत्रित उद्योग के रूप में विनिर्दिष्ट करती है।

[संख्या एस-11025/23/83-डी-1 (ए)]
हरिक घोष, संयुक्त सचिव

New Delhi, the 8th May, 1992

S.O 1320.—Whereas by Government Notification in the Ministry of Labour No. S.O. 486(E), dated the 13th June, 1990 the Central Government had, in pursuance of sub-clause (i) of clause (a) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), specified for the purposes of that sub-clause, the industry engaged in the manufacture or production of mineral oil (crude oil), motor and aviation spirit, diesel oil, Kerosene oil, fuel oil, diverse hydrocarbon oils and their blends including synthetic fuels, lubricating oils and the like (hereinafter referred to as the said industry) which had been declared as a controlled industry under section 2 of the Industries (Development

and Regulation Act, 1951 (65 of 1951), for a period of two years from the 21st June, 1990.

And whereas the Central Government is of the opinion that in the public interest it is necessary that the said industry be continued to be specified as a controlled industry for a further period of two years;

Now, therefore, in pursuance of sub-clause (i) of clause (a) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby specifies, for a further period of two years from the 21st June, 1992, the said industry as a controlled industry.

1Fo No. E-11025/23/83-D.I(A) [H. GHOSH, Jt. Secy.]

नई दिल्ली, 8 मई, 1992

का. आ. 1321:—केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (इ) के उपखण्ड (VI) के उपबंधों के अनुसरण में, भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का. आ. 3088 दिनांक 29 नवम्बर, 1991 द्वारा किसी भी तेल क्षेत्र में सेवा को उक्त अधिनियम के प्रयोजनों के लिए 7 दिसम्बर, 1991 से छह मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था।

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छह मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है,

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (इ) के उपखण्ड (VI) के परन्तुक द्वारा प्रदत्त

शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 7 जून, 1992 से छह मास की और कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[संख्या एस-11017/5/85-डी-1(ए)]

एस. एस. ब्राशर, अवर सचिव

New Delhi, the 8th May, 1992

S.O. 1321.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provision of sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1974), declared by the Notification of the Government of India in the Ministry of Labour S.O. 3088 dated the 29th November, 1991 the service in any Oil field to be a public utility service for the purposes of the said Act, for a period of six months from the 7th December, 1991;

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purpose of the said Act, for a further period of six months from the 7th June, 1992.

[No. S-11017/5/85-D.I(A)]

S. S. BRASHER, Under Secy.